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House of Representatives

REGIST

Rules of Government

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ARTICLE I

Section 1. The legislative power shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 3. The Senate shall be composed of two Senators from each State, elected by the People thereof, for six Years; and each Senator shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office for four Years; and, together with the Vice President, chosen for the same Term, shall have the Honor and Privilege of being elected for no more than two Terms.

ARTICLE III

Section 1. The judicial Power shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Section 2. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at any time during their Continuance in Office, be paid for their Services.

Section 3. The Congress shall have the Power to declare the Law of the Land, to raise and support Armies, to provide and maintain a Navy, to fix the Standard of Weights and Measures, to coin Money, to regulate the Commerce with foreign Nations, to regulate the Commerce among the States, and to regulate the Commerce with the Indian Tribes.

Section 4. The Congress shall have the Power to regulate the Commerce with foreign Nations, to regulate the Commerce among the States, and to regulate the Commerce with the Indian Tribes.

Section 5. The Congress shall have the Power to regulate the Commerce with foreign Nations, to regulate the Commerce among the States, and to regulate the Commerce with the Indian Tribes.

Section 6. The Congress shall have the Power to regulate the Commerce with foreign Nations, to regulate the Commerce among the States, and to regulate the Commerce with the Indian Tribes.

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GEORGE H. RYAN
Secretary of State

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Secretary of State
Administrative Code Div.
288 Centennial Bldg.
Springfield, IL 62756

(217) 782-9786

IOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
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May 28, 1991	June 4, 1991	24	June 14, 1991	Dec. 3, 1991	Dec. 10, 1991	51	Dec. 20, 1991
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June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS REGISTER

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

510.140	New Section	14 Ill. Reg. 13072 August 17, 1990
510.150	New Section	14 Ill. Reg. 13072 August 17, 1990
510.160	New Section	14 Ill. Reg. 13072 August 17, 1990
510.170	New Section	14 Ill. Reg. 13072 August 17, 1990
510.175	New Section	14 Ill. Reg. 13072 August 17, 1990
510.180	New Section	14 Ill. Reg. 13072 August 17, 1990
510.185	New Section	14 Ill. Reg. 13072 August 17, 1990
510.190	New Section	14 Ill. Reg. 13072 August 17, 1990
510.195	New Section	14 Ill. Reg. 13072 August 17, 1990
510.200	New Section	14 Ill. Reg. 13072 August 17, 1990
510.205	New Section	14 Ill. Reg. 13072 August 17, 1990

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 14, 1991.
- B) Types of small businesses and small municipalities affected: We anticipate that a majority of applicants for the program will be not-for-profits (which are considered to be small businesses in accordance with the Illinois Administrative Procedure Act) as

ILLINOIS REGISTER

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Promotion Act
- 2) Code Citation: 14 Ill. Adm. Code 510
- 3) Section Numbers: Proposed Action:
510.10 Amendment
510.20 Amendment
510.40 Amendment
510.50 Amendment
510.60 Amendment
510.70 Amendment
510.80 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act (Ill. Rev. Stat. 1989, ch. 127, pars. 200-21 et seq.).

5) A Complete Description of the Subjects and Issues Involved: On August 17, 1990 the department adopted emergency amendments to the "Illinois Promotion Act" rules. The same text was simultaneously proposed through the normal rulemaking process. In that amendment a newly funded program authorized by the Illinois Promotion Act was added. For clarification, the rule was split into two Subparts. The initial program, which we are amending in this rulemaking, was named "SUBPART A: TOURISM MATCHING GRANT PROGRAM". That rulemaking will be adopted prior to the adoption of this rulemaking which serves to revise and update the authority (Section 510.10), definitions (Section 510.20), the form of application (Section 510.50), application procedures (Section 510.60), department review procedures (Section 510.70), and provisions of the agreement (Section 510.80). The statutory language in Section 510.40 is being placed in the upper case and a statutory language note has been added to that effect. This change is necessary because the department's word processing equipment no longer has the capability for italics.

6) Will these proposed amendments replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any proposed amendments pending on this Part? Yes,

Section Numbers:	Proposed Action:	Illinois Register Citation:
510.110	New Section	August 17, 1990 14 Ill. Reg. 13072
510.120	New Section	August 17, 1990 14 Ill. Reg. 13072
510.130	New Section	August 17, 1990

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 510
ILLINOIS PROMOTION ACT

Section
510.10
510.20
510.30
510.40
510.50
510.60
510.70
510.80
510.90
510.100

Authority
Definitions
Computation of Time
Allocation of Appropriations to Applicant
Form of Application
Application Procedures
Department Review Procedures
Agreement
Provision for Amendment to This Part
Severability

AUTHORITY: Implementing and authorized by the Illinois Promotion Act (Ill. Rev. Stat. 1989, ch. 127, pars. 200-21 et seq.).

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 510.10 Authority

The Illinois Department of Commerce and Community Affairs, having been created pursuant to Chapter-127, Paragraph-46-i-et-seq.7 Executive Order No. 3 (effective 1979) 7-as-amended, has been empowered to administer the Illinois Promotion Act (Ill. Rev. Stat. 1989, ch. 127, pars. 200-21 et seq.).

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.20 Definitions

Act

"Act": means the Illinois Promotion Act.

Agreement

"Agreement": means a signed and written document defining the rights and obligations of the Applicant and the Department in respect to the Project and the Grant Amount.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

well as several small municipalities.

- C) Reporting, bookkeeping or other procedures required for compliance: There are no new reporting, bookkeeping or other procedures required for compliance made by this rulemaking.
- D) Types of professional skills necessary for compliance: All applicants should possess the necessary skills to comply with the requirements of this rulemaking.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

"Bureau of Tourism": is that division of the Department which has the delegated authority to perform all administrative functions relating to the Act.

Department

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

Grant Amount

"Grant Amount": means an amount, which shall not exceed 60% (sixty percent) of the Total Project Cost, that the Department shall pay to an Applicant after:

review of the Application;

the Department has determined that the Project and proposed expenditures of the Applicant appear to be in accord with the purpose of the Act and comply with this Part; and

the Department has received sufficient evidence of Project completion.

Local Promotion Group

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county or region of Illinois. A current copy of the applicant organization's State of Illinois Not-For-Profit Certificate of Good Standing must be submitted with the matching grant application.

Local Share

"Local Share": means that portion of Total Project cost which:

in no case shall be less than 40% (forty percent) of the Total Project Cost;

is provided by the Applicant; and

is authorized at a public meeting of the Applicant; and

is irrevocably obligated to the Project.

Municipality

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Applicant

"Applicant": means a County, Municipality or Local Promotion Group which is located within the State of Illinois.

Application

"Application": means that written document submitted by the Applicant on the approved form of the Department, attached to which shall be included:

a description of the studies, surveys and investigations proposed to be made; and other promotional activities proposed to be undertaken;

a statement, under oath or affirmation, which contains sufficient supporting documentation to identify the amount of funds held by, committed to or subscribed to, and proposed to be expended by, the Applicant for the purposes of the Act; and the Grant Amount for which Application is made;

a certified copy of the order, resolution, ordinance or other appropriate action of the governing body of the Applicant which authorizes the Application to be made to the Department;

a certification of the Applicant, properly attested, which certifies the Applicant's ability to pay its local share of the Total Project Cost; and

samples of the proposed Project which shall include, but are not limited to, mock-up and copy or duplicates of mock-up with color indicated;

copies of a minimum of two competitive bids, using identical specifications, for all total costs by any vendor that exceeds \$500;

an agreement by the Applicant to comply with Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132.10-1); and

a certification by the Applicant that it has not been barred from bidding on or receiving State contracts as a result of illegal bid rigging as defined in Section 33E-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 33E-3).

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Tourism-Councils-are-other-private-volunteer-organizations-within Super-Regions-which-promote-tourism-in-illinois:

Total-Project-Cost

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project, but does not include administrative costs incurred by the Applicant, examples of which are stationery, postage, telephone, office equipment and services of professional fund raisers.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.40 Allocation of Appropriations to Applicants

Annual appropriations made by the General Assembly to the Department for the purpose of making grants under the Act are allocated by the Department pursuant to statutory language; Chapter-127; Paragraph-200-28 found in Section 8 of the Act, which allocation is made as follows:

a) 62.5% TO LOCAL PROMOTION GROUPS, MUNICIPALITIES, AND COUNTIES NOT WHOLLY OR PARTIALLY WITHIN ANY COUNTY OF MORE THAN 1 MILLION POPULATION;

b)

b) 37.5% TO LOCAL PROMOTION GROUPS, MUNICIPALITIES, AND COUNTIES WHOLLY OR PARTIALLY WITHIN ANY COUNTY OF MORE THAN 1 MILLION POPULATION.

c) HOWEVER, IF SUFFICIENT LOCAL FUNDS CANNOT BE RAISED TO MATCH THE ALLOCATION MADE UNDER EITHER paragraph subsection(a) OR (b) OF THIS SECTION, SUCH APPROPRIATIONS MAY BE REALLOCATED, IN WHOLE OR IN PART, TO ANY APPLICANT OR APPLICANTS ABLE TO QUALIFY FOR A GRANT OR MAY BE USED BY THE DEPARTMENT TO PROMOTE THE TOURIST ATTRACTIONS OF THE STATE OF ILLINOIS AS A WHOLE.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.50 Form of Application

a) All communications relating to Application procedures herein defined shall be sent to the Assistant Managing Director of Matching Grant Manager of the Office Bureau of Tourism of the Illinois Department of Commerce and Community Affairs, 222 South College Street, 620 East Adams Street, Springfield, Illinois 62701.

b) An Application shall be in writing and on the approved form

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

"Municipality": means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code (Ill. Rev. Stat. 19811989, ch. 24, par. 1-1-2(1)).

Office-of-Tourism

The Office of Tourism is that division of the Department which has the delegated authority to perform all administrative functions relating to the Act.

Project

"Project": means the program of Promotional Activities which is described by the Applicant in the Application and is approved by the Department. Acceptable components of a Project may include, but are not limited to, the examples of valid projects contained on the Application form.

Promotional-Activities

"Promotional Activities": means preparing, planning, and conducting campaigns of information; include production and placement of advertising and publicity through such media as newspapers, radio, television, magazines, trade journals, moving and still photography; posters; and outdoor signboards; and personal contact within and without the State of Illinois; dissemination of information; advertising; publicity; photographs and other literature and material designed to carry out the purpose of this Act; and participation in and attendance at meetings and conventions concerned primarily with tourism; including travel to and from such meetings production and printing of brochures, flyers and posters devoted to promotion of tourism attractions and/or events.

"Regional Tourism Councils": are volunteer organizations within the State geographic areas (southern, northern, western, central) which work in cooperation with the Department to promote tourism in Illinois.

Super-Regions

Super-Regions are those geographic areas within the State (southern, northern, western, central and metropolitan-Chicago) which work in cooperation with the Department to promote tourism in Illinois and to increase the income of travel-related businesses.

Tourism-Councils

NOTICE OF PROPOSED AMENDMENTS

provided by the Department which form shall be sent to an interested party upon request.

- c) An Application shall be submitted as one (1) original and two (2) copies.

- d) Each Application including supporting documents and attachments shall be contained under a single cover.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.60 Application Procedures

- a) An Application must be received by the Department during the period of time between July 1 through March 31 June 15 through March 1 of each State fiscal year. Grant awards will be made four times annually. Applications shall be received a minimum of sixty (60) days prior to an award date or the application will be considered during the next award period. Any Application received during the period of time between April 1 March 1 and June 30 15 shall be deemed to have been received by the Department on July 1 of the for the following fiscal year.

- b) Except as provided in paragraph subsection(a) above, an Application will be considered received when delivered to the Office of the Assistant Managing Director of the Office Bureau of Tourism.

- c) The Managing Director Matching Grant Manager of the Office Bureau of Tourism or the Managing Director's Designee shall issue a receipt to the Applicant acknowledging delivery of the Application including date and time the Application was received.

- d) Applications shall be considered in the order of receipt by the Department for all purposes.
d)e) Review of Applications

- 1) Within fourteen (14) days of receipt of the Application, the Managing Director of the Office Matching Grant Manager of the Bureau of Tourism or the Managing Director's Designee shall notify the Applicant that after an initial review, the Application and attached exhibits are complete on their face. This notice is not in any way an acknowledgement by the Managing Director Matching Grant Manager as to the adequacy of the substance of the Application.

- 2) In the event the Managing Director Matching Grant Manager of the Office Bureau of Tourism or the Managing Director's

NOTICE OF PROPOSED AMENDMENTS

designee determines that the Application and its attached exhibits are not complete on their face, the Applicant shall be notified of such fact along with a list of such deficiencies within fourteen (14) days of the receipt of the Application.

- 3) Should the Managing Director of the Office of Tourism or the Managing Director's Designee Matching Grant Manager of the Bureau of Tourism send a notice of deficiency as required in paragraph subsection(e)(d)(2) above, the Applicant shall have fourteen (14) days from the date of such notice to cure such deficiency. If

- A) the Applicant fails to supply additional material to cure the deficiency; or

- B) submits additional material which in the opinion of the Managing Director Matching Grant Manager does not cure the deficiency, the Application shall be considered null and void and returned to the Applicant.

- 4) If the deficiency as noted in the list pursuant to paragraph (e)(2) above is cured, the Managing Director shall notify the Applicant that the Application and attached exhibits are complete on their face in the form and manner provided in paragraph (e)(i) above.

e)f) Within sixty (60) days from the date of notification issued pursuant to paragraph (e)(d)(1) or (e)(d)(4)(2), the Managing Director of the Department shall either:

- 1) notify the Applicant of sufficiency of that its Application has been approved and that the Application is accepted; or
2) notify the Applicant of rejection for reason of substantive deficiencies in the Application and include a list of such deficiencies that its Application has been rejected, stating the reason(s) for this rejection.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.70 Department Review Procedures

- a) The Application shall be reviewed by the Springfield Division Manager Managing Director and the Matching Grant Manager Assistant Managing Director of the Office Bureau of Tourism and such other persons or entities within or outside State government, which, in the discretion of the Managing Director,

NOTICE OF PROPOSED AMENDMENTS

may assist in this review procedure: --Such assistance may be requested from Super Regions or other representatives of the appropriate Super Region and then presented to the Tourism Deputy Director and the Department's Director for approval or rejection.

b) The following questions and factors shall be considered by the Department in its determination whether to accept or reject an Application:

1) Marketing

A) Is the Project a component of an overall marketing program? Does it complement regional and state marketing programs? More favorable consideration is given to Projects that are part of a thorough, well-planned marketing program prepared by the Super Region in cooperation with the Office Bureau of Tourism.

B) Is there a definite need for the Project? --Projects should not be done for the sake of doing them but rather should fulfill specific marketing objectives. If so, what is the marketing rationale for the Project?

B)e) Will the Project reach a new or expanded audience? The goal of tourism promotion is to encourage people from outside of given areas to travel to the area and thereby stimulate the area's economy. Projects should not be directed primarily at people who are already aware of the attractions.

C)b) Will the Project generate overnight travel? Statistics prove travelers spending at least one night away from home spend more money and therefore will have a more positive effect on the economy of a given area.

D)e) What is the intended audience? Are targets well chosen and will the message appeal? Audiences may include consumers inside or outside the State, special interest groups, travel agents and tour brokers, etc.

E)p) Are measurements of the Project effectiveness incorporated in the Application as follow-up research? Will the project aid in the promotion of tourism in Illinois?

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2) Economic Impact

- A) What is the potential economic impact from implementation of this Project?
- B) Are there measurable ways to gauge effectiveness in terms of increased visitor spending in the area, increased employment, increased sales, increased gasoline, hotel-motel and/or retail occupation tax revenues? Plans for a follow-up evaluation and ongoing research will enhance the Project Application.

3) Regional Concept

Projects --representing --the --Super --Region --concept --of cooperative marketing --will be better received than Projects promoting --a --one-time --event --or --single --attraction. Similarly, Projects which have the endorsement of the Regional Councils will be more favorably considered than those without such endorsement.

3)4) Duplication

The Project should not duplicate anything already available in the target market area.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.80 Agreement

a) Within thirty (30) days of the time When the Department sends notice to the Applicant that the Project has been accepted, pursuant to Section 510.69(f) hereof approved for funding, an Agreement shall be executed

i) by the Director of the Department or the Director's designee on behalf of the Department, and

2) by the Applicant's officer(s) on behalf of the Applicant.

b) The Agreement shall contain substantive provisions including but not limited to the following:

1) a recitation of legal authority pursuant to which the Agreement is made;

2) an identification of the Project scope, schedule, and the work or services to be performed or conducted by the

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funds under the Act.

- e) The Department may, in its discretion, depending upon the Project Amount and/or the purpose of the Project, waive all or part of the requirements of paragraphs (a) and (b) above.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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Applicant;

- 3) an identification of the Grant Amount;
- 4) the conditions and manner by which the Department shall pay the Grant Amount subject at all times to annual appropriation by the General Assembly;
- 5) the irrevocable promise of the Applicant to pay the Local Share of the Total Project cost;
- 6) the promise of the Applicant to display the Illinois Tourism Mark identification on all printed Project material after its use has been approved by the Department;
- 7) the promise of the Applicant, if requested, to furnish to the Department 10% (ten percent) of the total promotional material produced;
- 8) a promise by the Applicant not to assign or transfer any of the rights, duties or obligations of the Applicant without the express written consent of the Department;
- 9) a promise by the Applicant not to terminate or amend the Agreement without the written consent of the Department; and

10) a covenant of the Applicant to:

- A) exercise diligence and prudence in performing its legal duties;
- B) comply with all applicable Federal, State and local law in executing its responsibilities;
- C) a covenant of the Applicant to apply the Grant Amount only for the purposes of the Project as stated in the Application;
- D) enforce its rights against any contractor or vendor;
- E) provide the Department with copies of those portions of the minutes of each meeting of the Applicant which deals with the subject of the Project; and

11) a covenant of the Applicant to refrain from entering into any written or oral agreement or understanding with any party which might be construed as an obligation of the State of Illinois or the Department for the payment of any

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1) Heading of the Part: Service Delivery System and State Responsibilities

2) Code Citation: 56 Ill. Adm. Code 2600

3) Section Numbers: Proposed Action:
2600.20 Amendment

4) Statutory Authority: Implementing Section 4 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982 (29 U.S.C. 1501), as amended by P.L. 97-404, effective December 31, 1982 (42 U.S.C. 602); P.L. 99-496, effective October 16, 1986 (29 U.S.C. 1501); P.L. 99-570, effective October 27, 1986 (21 U.S.C. 801); and P.L. 100-418, effective August 23, 1988 (20 U.S.C. 5001)) and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.40(b) and 46.42).

5) A Complete Description of the Subjects and Issues Involved: During a previous departmental rulemaking (13 Ill. Reg. 13839; September 1, 1989) JCAR scheduling made it necessary for the department to adopt amendments prior to their monthly meeting. Our actions ensured permanent rules, which replaced emergency rules, were in place as soon as possible. This rulemaking adds the changes agreed to during the prehearing on that rulemaking to Section 2600.20 of the department's rules entitled "Service Delivery System and State Responsibilities". Additionally, many other definitions applicable to the Job Training Partnership Act have been revised, deleted or added.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs

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Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 11, 1991.
- B) Types of small businesses and small municipalities affected: There will be no direct effect on small municipalities. This rulemaking revises definitions used by JTPA grantees under the Job Training Partnership Act. Thirteen of these grantees are not-for-profits and are therefore considered small businesses in accordance with the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Amendments begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2600
SERVICE DELIVERY SYSTEM AND STATE RESPONSIBILITIES

Section
2600.10 Legislative Base
2600.20 Definitions
2600.30 Illinois Job Training Coordinating Council
2600.40 Local Service Delivery System
2600.50 Liability
2600.60 Governor's Coordination and Special Services Plan
2600.70 Oversight and Management of Labor Market Information Programs
2600.80 Labor Standards

AUTHORITY: Implementing Sections 46.41 and 46.49 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.41 and 46.49), Sections 4 and 101-184 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982 (29 U.S.C. 1501)), as amended by P.L. 97-404, effective December 31, 1982 (42 U.S.C. 602); P.L. 99-496, effective October 16, 1986 (29 U.S.C. 1501); P.L. 99-570, effective October 27, 1986 (21 U.S.C. 801); and P.L. 100-418, effective August 23, 1988 (20 U.S.C. 5001)) and the Illinois Job Training Coordinating Council Act (Ill. Rev. Stat. 1989, ch. 48, pars. 2101 et seq.) and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.40(b) and 46.42).

SOURCE: Adopted at 8 Ill. Reg. 18073, effective September 17, 1984; amended at 9 Ill. Reg. 5591, effective April 17, 1985; amended at 9 Ill. Reg. 13068, effective August 13, 1985; amended at 10 Ill. Reg. 4795, effective March 11, 1986; emergency amendment at 10 Ill. Reg. 14830, effective August 21, 1986, for a maximum of 150 days; emergency expired January 18, 1987; amended at 11 Ill. Reg. 11653, effective June 29, 1987; emergency amendment at 13 Ill. Reg. 4028, effective March 13, 1989, for a maximum of 150 days; emergency expired August 10, 1989; amended at 13 Ill. Reg. 13839, effective August 16, 1989; amended at 13 Ill. Reg. 16417, effective October 10, 1989; amended at 15 Ill. Reg. _____, effective _____.

Section 2600.20 Definitions

The State shall adopt the following definitions for the terms listed as follows:

"Acquisition Cost of Purchased Nonexpendable Personal Property" - The net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation,

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transportation, taxes, duty, or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the grantee's regular accounting practices.

"Act" - Job Training Partnership Act (October of 1982) (P. L. 97-300 (29 U.S.C. 1501) as amended by P. L. 97-404 (42 U.S.C. 602), P.L. 98-524; P.L. 99-496 (29 U.S.C. 1501), P.L. 99-570 (21 U.S.C. 801) and P.L. 100-418 (20 U.S.C. 5001)) (29 U.S.C. 1501-December-31, 1982).

"Additional Dislocated Worker" - A displaced homemaker as that term is defined in section 4(29) of the Act.

"Adult Employability Enhancement Termination" - An outcome for adults, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for a long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following: Attained Adult Employability Skills (one or more), Completed Major Level of Education, or Entered Non-Title II Training.

Demonstrated proficiency as defined by the local area in one or more of the following two skill areas in which the trainee was deficient at enrollment: basic education skills and occupational skills. Employability skill gain must be achieved through program participation and must be the result of a prior employability development planning process which identifies the participant's skill deficiencies, the training needed to overcome the deficiencies, and the level of proficiency needed for attainment of the employability skill.

Completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational achievement are secondary and post secondary. Completion standards shall be governed by State standards and shall include a high school diploma, GED Certificate or equivalent at the secondary level, and shall require a diploma or other written certification of completion at the postsecondary level. NOTE: To obtain credit, completion of a major level of education must result primarily from active JTPA program participation of at least 90 calendar days OR 200 hours.

Entered an occupational-skills employment/training program not funded under Title II of the JTPA, which builds upon and does not duplicate training received under Title II. NOTE: To obtain credit, the participant must have been

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Has been on academic probation at any time during the prior 12 months.

Is a truant or is excessively absent as determined by an authorized school official.

Has been suspended from school five or more days during the previous or current school year.

Has been expelled from school during the previous or current school year.

Has been identified as drug or alcohol dependent by a medical authority or authorized school staff.

Member of a family which meets the definition of Long Term AFDC Recipient.

Member of a single parent household.

"Barriers to Employment" - Characteristics that may hinder an individual's hiring, promotion, or participation in the labor force. Some examples of individuals who may face barriers to employment include: single parents, women, displaced homemakers, youth, welfare recipients, older workers, addicts, alcoholics, teenage parents, veterans, racial minorities, dislocated workers specified in 56-iii-Adm-Code 2620-90, and those with limited English speaking ability or a criminal record or with a lack of education, work experience, credentials, child care arrangements, or transportation.

"Basic Education Skills" - A PIC-Recognized Youth Employment Competency skill area which includes reading comprehension, math computation, writing, speaking, listening, problem solving, reasoning, and the capacity to use these skills in the workplace.

"Chief Elected Official" - The highest elected official(s) of the unit or units of general purpose local government of which the Service Delivery Area (SDA) is configured (e.g., County Board Chairperson in multi-county SDAs or mayors in SDAs made up of a single city or a consortia of cities.) In addition, the highest elected official of any unit of local government which was a prime sponsor under Comprehensive Employment and Training Act (CETA) during Federal fiscal year 1983 (29 U.S.C. 801) is a chief elected official.

"Citizenship" - Designation of an applicant as a citizen or "eligible noncitizen" whose status permits permanent employment in the United States. (For JTPA recordkeeping purposes,

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retained in that program for at least 90 calendar days or 200 hours or must have received a certification of occupational skill attainment. During the period the participant is in non-Title II training, he/she may or may not have received JTPA services.

"Applicant" - Individual who is receiving, or has received, only outreach or intake services, or both. An "applicant" may or may not become a "participant", based upon the outcome of intake and the individual's willingness to participate.

"Applicant Agency" - Educational, employment and training agencies which can provide services to workers who are affected by mass-layoff or plant closings.

"Application Date" - The date the applicant signs and dates the JTPA application certifying that the information on the form is correct to the best of his/her knowledge. In the case of a minor (except emancipated youth) the application date is the date the parent/guardian signs the application.

"Assessment" - Services designed to initially determine each applicant's/participant's employability, aptitudes, abilities, and interests, through interviews, testing, and counseling which are conducted to achieve the applicant's/participant's employment related goals.

"At Risk of Dropping Out of School" - A student without a high school diploma or GED certificate whose academic performance and/or personal behavior demonstrates that he or she is uninvolved, unmotivated, and/or disaffected. This includes students who meet at least one of the following criteria:

Has been retained in grade at least once during the most recent four school years or has accumulated insufficient credits toward graduation.

Demonstrates a reading or math proficiency level one grade or more below current grade placement level based on assessment results.

Lacks a demonstrated proficiency in the English language as measured by a standardized test.

Has been determined to have a behavior disorder or a learning disability by the school district.

Is pregnant or a parent.

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eligible for such assistance.

"Documented Job Search Criterion" - One month job search demonstrated by current registration with the Illinois Job Service.

"Early Readjustment Assistance" - Assistance given to a Title III participant at the time of or soon after a layoff event which provides necessary early intervention services (testing, assessment, orientation, etc.).

"Economically Disadvantaged" - An individual who

receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program;

has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of

the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or

70 percent of the lower living standard income level; is included in a Public Aid Food Stamp Assistance Unit (see 89 Ill. Adm. Code 121.70);

is a foster child on behalf of whom State or local government payments are made; or

is a homeless individual.

"Education Status" -

School Dropout - An adult or youth (aged 14 - 21) who is not attending school full-time and has not received a high school diploma or a General Education Diploma (GED) certificate.

Student (High School or Less) - An adult or youth (aged 14 - 21) who has not received a high school diploma or GED certificate and is enrolled full-time in an elementary, secondary or post-secondary level vocational, technical, or

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"eligible noncitizen" includes nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States).

"Continued Unsubsidized Employment" - A participant who was employed at the time of enrollment in JTPA and maintained that employment throughout program participation and termination.

"Continuing CETA Participant" - Any individual who on September 30, 1983 is enrolled in any service, training or subsidized employment program under the Comprehensive Employment and Training Act (CETA) (29 U.S.C. 801, effective October 27, 1978), and who will continue to participate in such programs after enrollment in the Job Training and Partnership Act (JTPA), shall be considered a "continuing CETA participant."

"Department" - The Illinois Department of Commerce and Community Affairs.

"Discretionary Fund" - Funds reserved under Section 322(a)(3) of the Act for distribution at the Secretary of Labor's discretion to serve workers affected by multi-State or industry-wide dislocations and to areas of special need in a manner that efficiently targets resources to areas of most need, encourages the rapid response to economic dislocations, and promotes the effective use of funds.

"Dislocated Worker" - An individual who meets the eligibility requirements specified in 56 Ill. Adm. Code 2626-98 2625.55 or Section 301(a) of the Act.

"Dislocated Worker Unit" - The identifiable unit within the Department which will be given the responsibility and capability to respond rapidly, on site, to permanent closures and substantial layoffs throughout the State and to provide the services described in Section 311(b)(3) of the Act.

"Displaced Homemaker" - A person who

has worked in the home for a substantial number of years providing unpaid household services for family members;

has difficulty in securing employment; and

was dependent on the income of another family member but is no longer supported by such income, or

was dependent on federal assistance but is no longer

academic school, or is between school terms and intends to return to school.

High School Graduate or Equivalent (No Post-High School) - An adult or youth (aged 14 - 21) who has received a high school diploma or GED certificate, but who has not attended any post-secondary vocational, technical, or academic school.

Post-High School Attendee - An adult or youth (aged 14 - 21) who has received a high school diploma or GED certificate and has attended (or is attending) any post-secondary level vocational, technical, or academic school.

"Eligible-Distocated-Workers"-----Individuals-who:

have-been-terminated-or-laid-off-or-who-have-received-a notice-of-termination-or-layoff-from-employment---eligible-for-or-have-exhausted-their-entitlement-to unemployment-compensation; and-are-unlikely-to-return-to their-previous-industry-or-occupation;

have-been-terminated-or-have-received-a-notice-of termination-of-employment; as-a-result-of-any-permanent closure-of-or-any-substantial-layoff-at-a-plant,-facility, or-enterprise;

are-long-term-unemployed-and-have-limited-opportunities-for employment-or-reemployment-in-the-same-or-a-similar occupation-in-the-area-in-which-such-individuals-reside; including-older-individuals-who-may-have-a-substantial barriers-to-employment-by-reason-of-age;or

were-self-employed-(including-farmers-and-ranchers)-and-are unemployed-as-a-result-of-general-economic-conditions-in the-community-in-which-they-reside-or-because-of-natural disasters;--subject-to--regulations-prescribed--by--the Secretary.

"Eligible State" - As part of the Title III reallocation process, as specified in Section 303 of the Act, an eligible State is one which has expended at least 80 percent of its allotment for the program year prior to the program year for which the determination is made.

"Emancipated Youth" - An emancipated youth is a minor released from the control and supervision of his/her parent(s) or guardian(s) according to the provisions of The Emancipation of

Mature Minors Act (Ill. Rev. Stat. 1987 1989, ch. 40, pars. 2201 et seq.).

"Employer Outreach" - Activities involving contacts with potential employers of JTPA participants for the purpose of acquiring current employment opportunities, listings and commitments. These activities include: promoting JTPA services with local employers, job fairs, local business conferences and seminars, and similar activities and events which are necessary and are designed with the clear intent to obtain job listings and openings or current job training opportunities.

"Employment Generating Activities" - Activities conducted for the purpose of encouraging expansion or creation of business which are not directly related to current employment and training opportunities for participants, but are intended to result in increased employment opportunities for JTPA-eligible individuals. These activities are not to be used as a substitute for economic development activities or for funds available for similar activities under other Federal programs. These activities include: special surveys, studies, community profiles, job skill forecasts, directly relevant travel and conference expenses, essential labor market and program analysis which does not duplicate other Federal or State funded efforts, consultant services, and similar activities which incur reasonable costs that are necessary for proper and efficient administration of funds granted, and are not a general expense of the organization funded (e.g., publications, memberships, inordinate distribution of overhead or other costs, etc.).

"Entered Unsubsidized Employment" - The category for participants who, at termination from the program, entered (through the efforts of the grantee/subgrantee or through their own efforts) full- or part-time unsubsidized employment. Unsubsidized employment means employment not financed from funds provided under the Act and includes for JTPA reporting purposes, entry into the Armed Forces, entry into employment in a registered apprenticeship program, and trainees who became self-employed, were recalled or continued unsubsidized employment.

"Entrepreneurial Training" - Training given to Title III participants which will impart the skills necessary to obtain unsubsidized employment through self-employment.

"Entry Employment Experience Program" - As specified in Section 205(d) of the Act, the following restrictions and limitations apply to this activity:

The job training plan may provide for the conduct of an

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"entry employment experience program" for youth who --

have completed preemployment skills training or its equivalent;

have not recently held a regular part-time or summer job for more than 250 hours of paid employment, except that this paragraph may be waived in accordance with criteria established in the job training plan; and

are enrolled in a secondary school or an institution offering a certified high school equivalency program and are meeting or have met the minimum academic and attendance requirements of that school or education program during the current or most recent term, with priority given to youth who do not plan to continue on to postsecondary education. Entry employment experiences may be up to 20 hours weekly during the school year or full time during the summer and holidays, for a total of not to exceed 500 hours of entry employment experience for any individual. Such experiences shall be appropriately supervised, including the maintenance of standards of attendance and worksite performance.

Entry employment experiences may be one of the following types:

Full-time employment opportunities in public and private nonprofit agencies during the summer and on a part-time basis in combination with education and training activities. These jobs shall provide community improvement services that complement local expenditures.

Tryout employment at private for-profit worksites, or at public and private nonprofit worksites when private for-profit worksites are not available. Compensation in lieu of wages for tryout employment shall be paid by the grant recipient, but the length of any assignment to a tryout employment position shall not exceed 250 hours. Tryout employment positions shall be the ones for which participants would not usually be hired (because of lack of experience or other barriers to employment), and vacancies in such positions may not be refilled if the previous participant completed the tryout employment but was not hired by the employer.

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Cooperative education programs to coordinate educational programs with work in the private sector.

"Equitable Services" -

Services to substantial segments (race, sex, age, national origin) and to Work Incentive (WIN) registrants and school dropouts shall be equitable. Serving those segments and status groups (i.e., WIN registrants and school dropouts) at a level equal to their incidence in the eligible population, aged 16-64, as defined by the state, shall be considered equitable. Serving those segments at a level greater or lesser than that incidence shall be considered equitable if the Service Delivery Area (SDA)

targets services to specific groups and meets requirements of Section 141 of the Act, and

provides justification for that targeting to those groups with greater need.

If, as a result of targeting or requirements of the Act, any substantial segment is served at a rate greater than its proportion within the eligible population, remaining substantial segments should be served proportionately."

"Excess Property" - Property under the control of any Federal or state agency which, as determined by the head thereof, is no longer required for its needs or discharge or its responsibilities.

"Expendable Personal Property" - All tangible personal property other than nonexpendable property.

"Family" - One or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A step-child or a step-parent shall be considered to be related by marriage. Also, regardless of residence and/or citizenship, anyone claimed as a dependent on another person's Federal Income Tax return for the previous year shall be presumed to be part of the person's family for the current year. To negate this assumption, the person who was claimed as a dependent for income tax purposes would be required to provide information that demonstrates the individual is no longer financially dependent. Examples of information that may be provided would be a change in living arrangements or financial resources that would enable the person to become non-dependent. Regardless of living arrangements or tax dependency status, the following persons shall be considered a family of one when such consideration would

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result in the individual being determined eligible for program participation:

any person who is 55 years of age or older;

a handicapped person; or

an individual 18 years of age or older who receives less than 50 percent of his/her maintenance from the family, and also is not the head nor the spouse of the head of the household.

"Family Income" - All income from all sources actually received by all members of the family for the six month period prior to eligibility.

Family income shall INCLUDE:

Gross wages and salary (before deductions), except wages paid for work experience under the Act, but including wages and salary received for on-the-job training.

Net self-employment income (gross receipts minus operating expenses),

Other money income received from sources such as net rents, pensions, alimony, periodic income from insurance policy annuities, and other sources of income.

Family income shall NOT INCLUDE:

Old Age and Survivors Insurance benefits received under Title II of the Social Security Act of 1978 (42 U.S.C. 402(1983));

Non-cash income such as food stamps, or compensation received in the form of food or housing;

Imputed value of owner-occupied property, i.e., rental value;

Gifts;

Public assistance (e.g., Aid to Families with Dependent Children (AFDC) under Title IV of the Social Security Act (SSA) (42 U.S.C. 401(1983)), General Assistance (State or local government),

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Refugee Act of 1980 (8 U.S.C. 1521-1525 (1983)), or Supplementary Social Security Income (SSI) under Title XVI of the SSA (42 U.S.C. 1601-1602 (1983));

Cash payments received pursuant to a State plan approved under Titles I, IV, IX, XVI and XX of the Social Security Act of 1978 (42 U.S.C. 1, 201(a), 401, 402, 1001, 1002, 1601, 1602, 2001, 2002 (1983)) or disability insurance payments received under Title II of the Social Security Act of 1978 (42 U.S.C. 201 (1983));

Federal, State or Local Unemployment benefits;

Payments made to participants in employment and training programs, except wages paid for on-the-job training (OJT) (e.g., the JTPA (29 U.S.C. 1501, December 31, 1982) and Title V of the Older Americans Act of 1965 (42 U.S.C. 3001, December 29, 1981));

Capital gains and losses;

Fixed term, unearned income, such as but not limited to;

Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;

One-time or fixed-term scholarship and fellowship grants;

Accident, health, and casualty insurance proceeds;

Disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits;

Inheritance, including fixed term annuities;

Fixed term workers' compensation awards;

Terminal leave pay;

Soil bank payments;

Agriculture crop stabilization payments;

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accountable for the use of the funds provided.

"Grantor" - The Department of Commerce and Community Affairs.

"Handicapped Individual" - Any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

"High Unemployment SDA" - As part of the Title III reallocation process, an SDA which is among those SDAs which have unemployment rates greater than the statewide average unemployment for the most recent 12 months for which satisfactory data are available from the Illinois Department of Employment Security.

"Homeless Individual" - A homeless person is an individual who lacks a fixed, regular or adequate nighttime residence or whose primary nighttime residence is:

a supervised publicly or privately operated shelter designed to provide temporary living accommodations,

an institution that provides a temporary residence for individuals intended to be institutionalized, or

a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

"Illinois Job Training Coordinating Council" - The advisory body appointed by the Governor to make recommendations on issues related to employment and training in the State. The council shall be comprised of membership consistent with Section 122(a)(3) of the Act (as amended by P.L. 100-418) and shall perform those functions delineated in Sections 122(b) and 317 of the Act and the Illinois Job Training Coordinating Council Act (Ill. Rev. Stat. 1987-and-1988-Supp. 1989, ch. 48, pars. 2101 et seq.).

"Inactive Status Period" - The time period between last receipt of employment and/or training funded under a given title and the actual date of termination from the title.

"Income Maintenance" - Any program providing financial assistance to persons in financial need.

"Individual Readjustment Plan" - An individualized plan for the Title III participant which assesses during intake, participant skills and needs. This plan then develops a readjustment strategy, detailing those basic readjustment services necessary to allow the participant to either begin training or obtain

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pay or allowances which were received by any veteran while serving on active duty in the Armed Forces;

Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35, and 36 of Title 38 (Veterans' Benefits) of the U.S.C. (38 U.S.C. 301, 401, 1501, 1650, 1700, 1770);

Payments received under the Trade Readjustment Act of 1974 (19 U.S.C. 2291, January 3, 1975);

Black Lung payments received under the Benefits Reform Act of 1977 (30 U.S.C. 901, December 29, 1981); and

Child support payments.

"Farm" - A farm is identified on the basis of sales alone and is defined as any place which produced agricultural products with annual sales of \$1,000 or more.

"Follow-up" - The collection of information on a terminnee's employment situation thirteen (13) weeks after termination from the program.

"Food Stamp Recipient" - An individual who is included in a Public Aid Food Stamp Assistance Unit (see 89 Ill. Adm. Code 121.70).

"Grant" - An award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the Department to an eligible grantee. The term does not include technical assistance which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Also, the term does not include assistance, such as a fellowship or other lump sum award, which the grantee is not required to account for.

"Grant Recipient" - Grant recipients are particular types of grantees identified in an agreement required under Section 103(b)(1) of the Act between the chief elected official or officials and the private industry council in the SDA.

"Grantee" - An organization to which a grant is awarded by that receives funds from and performs activities on behalf of the Department of Commerce and Community Affairs and which is

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"Labor Force Status" -

Employed -

An individual who, during the 7 consecutive days prior to application to a JTPA program, did any work at all:

as a paid employee;

in his or her own business, profession or farm, or

worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family; and

An individual who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job. (This term includes members of the Armed Forces on active duty, who have not been discharged or separated, participants in registered apprenticeship programs; and self-employed individuals.)

Unemployed - An individual who did not work during the 7 consecutive days prior to application for a JTPA program, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7 consecutive days prior to application (except for temporary illness).

Not in Labor Force - A civilian 14 years of age or over who did not work during the 7 consecutive days prior to application for a JTPA program and is not classified as employed or unemployed.

Employed Part-time - An individual who is regularly scheduled for work less than 30 hours per week.

Unemployed 15 or More Weeks of Prior 26 Weeks - An individual who is unemployed at the time of application and has been unemployed for 15 or more weeks of the 26 weeks immediately prior to application, has made specific efforts to find a job throughout the period of unemployment, and is not classified as "Not in Labor Force".

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employment.

"Ineligible" - A participant who, subsequent to enrollment, was found to not meet eligibility requirements for participation in the JTPA title in which he or she was enrolled.

"Intake" - Includes the screening of an applicant for eligibility to determine:

whether the program can benefit the individual (e.g., whether the applicant's educational and vocational needs can be met through the program);

the employment and training activities and services which would be appropriate for that individual;

availability of an appropriate employment and training activity;

a decision on selection for participation in accordance with 56 Ill. Adm. Code 2610.80; and

dissemination of information on the program (see 56 Ill. Adm. Code 2610.130(c)).

"JOBS Program Participant" - Any individual (AFPC Client) who is a participant (or has been a participant within the prior six months) in an activity funded under the JOBS Program (Family Support Act of 1988, P.L. 100-485) at the time of eligibility determination for JTPA Title IIA.

"Job-Specific Skills" - A PIC-Recognized Youth Employment Competency skill area which includes primary and secondary job-specific skills. Primary job-specific skills encompass the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate or advanced levels. Secondary job-specific skills entail familiarity with and the use of set-up procedures, safety measures, work-related terminology, recordkeeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

"Job Training Plan" - A two year program plan for the SDA prepared in accordance with Section 104 of the Act and the Department's rules. (See 56 Ill. Adm. Code 2610)

"Joint Costs" - Joint costs means a cost which benefits more than one cost objective.

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"Labor-Management Committees" - Committees voluntarily established to respond to actual or prospective worker dislocation, which ordinarily include (but are not limited to) the following:

shared and equal participation by workers and management;

shared financial participation between the company and the StateSDA, using funds provided under this title III of the Act, in paying for the operating expenses of the committee; a chairperson, to oversee and guide the activities of the committee, who shall be jointly selected by the labor and management members of the committee, who is not employed by or under contract with labor or management at the site, and who shall provide advice and leadership to the committee and prepare a report on its activities;

the ability to respond flexibly to the needs of affected workers by devising and implementing a strategy for assessing the employment and training needs of each dislocated worker and for obtaining the services and assistance necessary to meet those needs;

a formal agreement, terminable at will by the workers or the company management, and terminable for cause by the Governor (e.g., violations of the Act, fraud, termination of funding); and

local job identification activities (e.g., approaching supplier firms to hire dislocated workers or hosting events to bring together local employers to interview dislocated workers) by the chairman and members of the committee on behalf of the affected workers.

"Limited English Language Proficiency" - Inability of an applicant, whose native language is not English, to communicate in English, resulting in a job handicap.

"Local Elected Official" - Includes all county and municipal officers (and their designees) such as county board members, mayors, and city or village council members.

"Lower Living Standard Income Level" - That income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent "lower living family budget" issued by the Secretary.

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"Major Plant Closing" - When plant closing employs over 100 persons.

"Mass Layoff" - When over 100 persons are on layoff from a plant.

"Mathematics Grade Level" - The grade level results for an adult or youth on mathematics skills as assessed on a generally accepted standardized test (e.g., Test of Adult Basic Education (TABE), Wide Range Achievement Test (WRAT)).

"Minimal Work History" - An adult or youth who did not work for the same employer for longer than three consecutive months in the two years prior to JTPA eligibility determination.

"Monetary Eligibility" - A claimant's eligibility for a weekly benefit amount of unemployment insurance and the amount of dependency allowance, if any, based on the amount of qualifying wages paid.

"Months received AFDC (last 30 months)" - the number of months an adult or youth (or the family of an adult or youth) received cash payments under AFDC (SSA Title IV) during any of the 30 months prior to eligibility determination.

"Multiple Barriers to Employment" - Any adult or youth who has three or more of the following barriers to employment:

school dropout.

limited english language proficiency.

handicapped/disabled.

offender.

reading skills below the 7th grade level.

math skills below the 7th grade level.

long-term AFDC recipient.

lacks significant work history.

homeless.

JOBS Program participant.

substance abuse.

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"Part-Time Student" - An adult or youth who has not received a high school diploma or GED certificate but is enrolled in a secondary school or an institution offering a certified high school equivalency program on a less than full-time schedule.

"Personal Property" - Personal property of any kind except real property. It may be tangible - having physical existence, or intangible - having no physical existence, such as patents, inventions, and copyrights.

"PIC" - Private Industry Council.

"PIC Membership Selection Agreement" - An agreement negotiated pursuant to Section 102(d)(2) of the Act and Section 2600.40(e)(1) of this Part between chief elected officials within the SDA which specifies how members of the PIC shall be selected.

"Post Termination Services" - Supportive services available to individuals who terminate as, "entered employment," which are determined necessary to assist such individuals in retaining employment. These services may be provided for no more than 6 months following completion of training.

"Poverty Level" - The annual income level at, or below, which families are considered to live in poverty, as annually determined by the Department of Health and Human Services.

"Preemployment Skills Training Program" - As specified in Section 205(c) of the Act, the following restrictions and limitations apply to this activity:

The job training plan may provide for the conduct of a "preemployment skills training program" for youth, and individuals aged 14 and 15, with priority being given to those individuals who do not meet established levels of academic achievement and who plan to enter the full-time labor market upon leaving school.

The preemployment skill training program may provide youth up to 200 hours of instruction and activities.

The instruction and activities may include -

assessment, testing, and counseling;

occupational career and vocational exploration;

job search assistance;

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pregnant/parenting teen.

"Nonexpendable Personal Property" - Tangible personal property having a useful life of more than one year and an acquisition cost of \$300 or more per unit.

"Offender" - An adult or youth who requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction (excluding misdemeanors).

"Older Individual" - An individual who is 55 years of age or older.

"Older Worker" - An individual who is 55 years of age or older.

"Other Termination" - The termination of a participant who left the grantee's/subgrantee's program for a positive or non-positive reason other than to enter unsubsidized employment, or for youth a reason specified in the definition of "Youth Employability Enhancement Termination".

"Out-of-Area Job Search" - Assistance provided to a participant for necessary expenses that occur as a result of seeking unsubsidized employment out-of-the-labor-market-area-in-which-the participant resides in an area outside a reasonable commuting distance from the participant's residence. Reasonable, for the purposes of this definition, will be defined by the local Private Industry Council. Service must be provided near the end of, or within 90 days after the completion of other retraining services.

"Outreach" - An activity which involves the collection, publication, and dissemination of information on program services directed toward economically disadvantaged and other individuals eligible to receive JTPA training and support services.

"Participant" - An individual who has:

been determined eligible for participation upon intake and has

started receiving employment, training, or services (except post-termination services) funded under the Act, following intake. Individuals who receive only outreach and/or intake and assessment services or post-program follow-up are excluded.

"Participant Carried Over" - A participant for whom there was an active participant record on file at the end of the previous program year.

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job holding and survival skills training;

basic life skills training;

remedial education;

labor market information; and

job-seeking skills training.

"Pre-Employment Skills and Work Maturity Skills" - A PIC-Recognized Youth Employment Competency skill area which includes both pre-employment skills and work maturity skills. Pre-employment skills include world of work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning, decision making, and job search techniques (e.g., resumés, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the telephone, telling time, shopping, making change, renting an apartment, opening a bank account and using public transportation. Work Maturity skills include positive work habits, attitudes, and behavior such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective interpersonal relations, coping and problem-solving skills, and acquiring an improved self image. Individuals should demonstrate proficiency in each of the following 11 core competencies. In order for an attainment to be reported in the area of pre-employment/work maturity, at least one PIC-certified competency statement must be developed/quantified in each of the following 11 core competencies - provided that at least 5 of these learning objectives were achieved during program intervention:

- making career decisions;
- using labor market information;
- preparing resumés;
- filling out applications;
- interviewing;

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being consistently punctual;

maintaining regular attendance;

demonstrating positive attitudes/behavior;

presenting appropriate appearance;

exhibiting good interpersonal relations; and

completing tasks effectively.

"Pregnant/Parenting Teen" - Any individual, under twenty years of age, who is the parent or guardian of one or more children or any female, under twenty years of age, who is pregnant.

"Pre-layoff Services" - Readjustment assistance (as defined in Section 314(c) of the Act) given to a Title III participant, after the announcement of a layoff and before that layoff becomes effective.

"Previous Occupation SOC Codes" - The Standard Occupational Classification (SOC) codes associated with the client's previous employment.

"Private Industry Council" - The Council established pursuant to Section 102 of the Job Training Partnership Act (29 U.S.C. 1512, December 31, 1982). The Council will be comprised of membership consistent with Section 102(a) of the Act and will perform those functions delineated in Section 103(a) of the Act.

"Program Dropout" - A participant who, after enrollment, does not participate in the training and/or service activity(ies) in which he or she was enrolled sufficiently to benefit from the program.

"Program Year" (PY) - The months of July through June.

"Public Assistance" - Federal, State, or local government cash payments for which eligibility is determined by a need or income test. NOTE: This term is used for eligibility determination and includes the three groups included in "welfare recipient", plus recipients of Supplemental Security Income (SSI), but is not limited to these assistance programs.

"Race/Ethnic Group" - The basic racial and ethnic categories for use in all federally funded programs are defined by the Office of Management and Budget as follows:

White, Not Hispanic - A person having origins in any of the

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original peoples of Europe, North Africa, or the Middle East.

Black, Not Hispanic - A person having origins in any of the black racial groups of Africa.

Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa. (Hawaiian Natives are included herein.)

"Reading Grade Level" - The English reading skills grade level for an adult or youth on a generally accepted standardized test (e.g., Test of Adult Basic Education (TABE), Wide Range Achievement Test (WRAT), Job Corps Reading Test).

"Real Property" - Land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

"Recalled" - A client who, after enrollment in a JTPA program, returns to a firm from which he or she was laid off.

"Recipient" - The governor of the State of Illinois.

"Referral" - The act of bringing to the attention of an employer, a local office, a training sponsor, or a supportive service agency, an individual (or group of individuals) who need jobs, training, or related supportive services.

"Registered Apprenticeship Program" - A formal written occupational training program which combines on-the-job training and related instruction and in which workers learn the practical and conceptual skills required for a skilled occupation, craft, or trade. Apprenticeship programs must meet 22 criteria specified in 29 CFR 29.5 (1983as revised July 1, 1989, with no later amendments or editions) to be registered by the Secretary of Labor or designated state representative. Apprentices who

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complete the program are awarded a certificate of completion by the Bureau of Apprenticeship and Training and/or the state Apprenticeship Council in those states certified as meeting federal requirements.

"Relocation" - Assistance provided to a participant for all or part of the expenses resulting from a participant and his or her family moving to a labor market within which the participant does not currently reside. Criteria for receiving funds under this category include but are not limited to:

a reasonable determination is made that the participant cannot secure suitable employment within the labor market; documentation that the participant has obtained a bonafide employment offer; and the occupation is related to vocational retraining received as a result of the program.

"Relocation Assistance" - The activities necessary to arrange for a family to move to a new abode for the purpose of accepting long-duration employment. Activities may include, but are not limited to: the cost of the actual transfer of goods and property, including mileage for the family's travel; emergency assistance; rent subsidies; and other supportive services.

"Residence" - An individual's principle dwelling or home.

"Satisfactory Progress in School - A Service Delivery Area, in cooperation with the local school system, must develop a written policy which defines an individual standard of progress that each participant is required to meet. Such a standard should, at a minimum, include both a qualitative element of a participant's progress, (e.g., performance on a criterion referenced test or a grade point average) and a quantitative element (e.g., a time limit for completion of the program or course of study). This policy may provide for exceptional situations in which students who do not meet the standard of progress are nonetheless making satisfactory progress during a probationary period because of mitigating circumstances.

"SDA Grant Recipient" - The entity that receives JTPA funds for a service delivery area (SDA). SDA grant recipients are particular types of grantees.

"Secretary" - The Secretary of the United States Department of Labor.

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"Selective Service Registrant" - Any individual who must register, as required by Section 3 of the Military Selective Service Act (50 U.S.C. App. 453 (1982)).

"Service Delivery Area" (SDA) - An area comprised of one or more units of general local government designated by the Governor to promote effective delivery of job training services under JTPA in accordance with Section 101 of the Act.

"Service Providers" - Those individuals, corporations, partnerships, firms, organizations, associations or institutions that carry out activities pursuant to Sections 123, 124, 204, 252 and 314 of the JTPA or receive JTPA funds under the supportive services or training cost categories.

"Single Head of Household with Dependent Children" - A single, abandoned, separated, divorced or widowed individual who has responsibility for one or more dependent children under age 18.

"State" - The State of Illinois.

"State Plan" - The biennial plan for Title III activities in the State prepared by the Governor in accordance with Section 311 of the Act and 53-PR-44594-44595 to be ~~revised~~ revised at 20 CFR 631.36 (October 24, 1998 as revised April 1, 1990, with no later amendments or editions).

"State Reserve Fund" - That portion of the State's funds, allotted in accordance with Section 302(b) of P.L. 97-300 (as amended by P.L. 100-418), reserved to the Governor under Section 302(c)(1) for the uses described in that section.

"Subgrant" - An award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contractual legal agreement, but does not include procurement purchases, nor does it include any form of assistance which is excluded from the definition of "grant" in this Section agreement between a grantee or subgrantee and a State or local government or other organization whereby the grantee or subgrantee provides funds or aid to carry out specified program services and activities.

"Subgrantee" - An organization to which a subgrant is awarded by a grantee that receives funds and performs activities on behalf of a grantee of the Department of Commerce and Community Affairs and which is accountable to the grantee for the use of the funds provided.

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"Subsidized Employment" - Employment created in the public sector and in private for profit or nonprofit organizations which is financed by the recipient's program funds. Subsidized employment includes work experience. (On-the-Job Training (OJT) is a reportable training activity, rather than subsidized employment.)

"Substance Abuse" - An adult or youth determined to be drug or alcohol dependent as determined by a medical authority or authorized school staff.

"Substantial Layoff" - Any reduction in force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period for:

At least 33 percent of the employees (excluding employees regularly working less than 20 hours per week); and

At least 50 employees (excluding employees regularly working less than 20 hours per week); or at least 500 employees excluding employees regularly working less than 20 hours per week).

"Substate Area" (SSA) - An area comprised of one or more existing Service Delivery Areas, designated by the Governor to promote the effective delivery of services to dislocated workers in accordance with Section 312(a) of the Act.

"Substate Grantee" - The entity which is designated, in accordance with the procedures described in Section 312(b) of the Act, as having the responsibility for providing the services described in Section 314(c), (d), and (e) of the Act pursuant to an agreement with the Governor and in accordance with the State plan and the substate plan.

"Substate Plan" - A Title III program plan for the substate areas prepared in accordance with Section 313 of the Act, the State plan, and such instructions as the Department may issue such instructions as the Department issues in complying with 20 CFR 631.50 (revised as of April 1, 1990, with no later amendments or editions).

"Summer Months" - The months of May through September.

"Teenage Parents" - Any individual, under 20 years of age, who has the responsibility for support of one or more dependent children:

"Terminal Leave Pay" - Severance pay or payment received in lieu of accrued benefits when an individual terminates employment.

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"Termination" - The separation of a participant from a given title of the Act who is no longer receiving employment, training or services (except post-termination services) funded under that title. NOTE: Individuals may continue to be considered as participants for a period of 90 days after last receipt of employment or training funded under a given title.

"UC Claimant" - Any individual who has filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal unemployment compensation (UC) programs, and who has not exhausted benefit rights or whose benefit year has not ended.

"UC Exhaustee" - Any individual who has exhausted his unemployment compensation benefits (not including Extended, Additional State, or Federal Supplemental Benefits) for which he has been determined monetarily eligible.

"Unsubsidized Employment" - Employment not financed from funds provided under the Act.

"Upgrading Training" - Training given to an individual who needs such training to advance above an entry-level or dead-end employment position.

"Veteran" - An individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. A person who served on active duty in the military, naval, or air service (of the United States) for a period of more than 180 days and who was discharged or released therefrom with other than a dishonorable discharge or was discharged or released from active duty because of a service-connected disability.

NOTE: The term "active" means full-time duty in the Armed Forces, other than duty for training in the reserves or National Guard. Any period of duty for training in the reserves or National Guard, including authorized travel, during which an individual was disabled from a disease or injury incurred or aggravated in the line of duty, is considered "active" duty.

Recently Separated Veteran - Any veteran who applies for participation under any title of the Act whose last date of discharge or release from the Armed Forces occurred within 42 48 months of the date of application for discharge or release from active military, naval, or air service.

Disabled Veteran - A veteran

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who is entitled to compensation under laws administered by the Veterans' Administration, or an individual who was discharged or released from active duty because of a service-connected disability.

Vietnam-Era Veteran - A veteran, any part of whose active military, naval, or air service was during the Vietnam-Era (accrued between August 5, 1964 through May 7, 1975; per Presidential Proclamation-4373).

"Vocational Exploration Program (VEP)" - A program for the purpose of exposing individuals to the operation and types of jobs available in the private sector through observation of such jobs and instruction including, where appropriate, limited practical experience.

"Welfare Recipient" - An individual who receives or whose family receives cash payments under Aid to Families with Dependent Children (AFDC) (Social Security Act (SSA) Title IV) (42 U.S.C. 401 (1983)), General Assistance (State or local government), or the Refugee Act of 1980 (8 U.S.C. 1521-1525 (1983)). (For proposed performance standards purposes, this term excludes recipients of Supplementary Security Income (SSI) Title XVI of the Social Security Act (42 U.S.C. 1601, 1602 (1983)).

"Work Experience" - Work experience is a short-term or part-time, subsidized work assignment with an employing agency. Work experience is prohibited in the private-for-profit sector unless the individual employed is a youth aged 16 to 21 inclusive, who is economically disadvantaged as required by Section 141(k) of the Act and the employment is provided in accordance with Section 205(d)(3)(B) of the Act.

"Youth" - An individual who is aged 16 through 21. (Individuals aged 14 and 15 may participate in a "preemployment skills training program" for youth).

"Youth Competency System" - A sufficiently developed youth employment competency system must include the following structural and procedural elements:

Quantifiable Learning Objectives - PIC-recognized competency statements that are quantifiable, employment-related, measurable, verifiable learning objectives that specify the proficiency to be achieved as a result of program participation. Employment competencies/quantifiable learning objectives approved by the PIC as

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relevant to the SDA must include a description of the skills/knowledge/attitudes/behavior to be taught, the levels of achievement to be attained, and the means of measurement to be used to demonstrate competency accomplishment. The level of achievement selected should enhance the youth's employability and opportunities for postprogram employment.

Related Curricula, Training Modules, and Approaches - Focused curricula, training modules, or behavior modification approaches which teach the employment competencies in which youth are found to be deficient. Such related activities, components, or courses must encompass participant orientation, work-site supervisor/instructor/community volunteer training, and staff development endeavors as appropriate. They also must include, as appropriate, relevant agreements, manuals, implementation packages, instructions, and guidelines. A minimum duration of training must be specified which allows sufficient time for a youth to achieve those skills necessary to attain his/her learning objectives.

Pre-Assessment - Assessment of participant employment competency needs at the start of the program to determine if a youth requires assistance and are capable of benefitting from available services. A minimum level of need must be established before a participant is eligible to be tracked as a potential "attained PIC-recognized youth employment competency" outcome. All assessment techniques must be objective, unbiased and conform to widely accepted measurement criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility, consistency, and accuracy, and provide for the training/preparation of all raters/scorers.

Post-Assessment (Evaluation) - Evaluation of participant achievement at the end of the program to determine if competency-based learning gains took place during project enrollment. Intermediate checking to track progress is encouraged. All evaluation techniques must be objective, unbiased and conform to widely accepted evaluation criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility, consistency, and accuracy, and provide for the training/preparation of all raters/scorers.

Employability Development Planning - Use of assessment results in assigning a youth to appropriate learning activities/sites in the proper sequence to promote

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participant growth and development, remedy identified deficiencies, and build upon strengths.

Documentation - Maintenance of participant records and necessary reporting of competency-based outcomes to document intra-program learning gains achieved by youth.

Certification - Proof of youth employment competency attainment in the form of a certificate for participants who achieve predetermined levels of proficiency to use as evidence of this accomplishment and to assist them in entering the labor market.

"Youth Employability Enhancement Termination" - An outcome for youth, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following:

Attained (two or more) PIC-Recognized Youth Employment Competencies - A youth --who7 --at --termination; --has demonstrated proficiency in youth employment competencies as defined by the PIC in two or more of the following three skill areas --in which --the --trainee --was --deficient --at enrollment; pre-employment/work-maturity; basic education; or --job-specific --skills. --During --py --1987, --competency attainment in one skill area will meet the definition: Competency --gains --must --be --achieved --through --program participation and be tracked in accordance with the system of --services --specified --in --the --definition --of --youth Competency-System" contained in this Section: Demonstrated proficiency as defined by the PIC in two or more of the following three skill areas in which the client was deficient at enrollment: Pre-employment/Work Maturity; Basic Education; or Job-specific Skills. Competency gains must be achieved through program participation and tracked through sufficiently developed systems that must include: quantifiable learning objectives, related curricula/training modules, pre- and post assessment, employability planning, documentation and certification.

Entered-Non-Title--ii--training-----Entered-non-Title--ii training-is-a-youth-employability-enhancement-termination reason--for--a-youth--who7--at--termination; --entered--an occupational-skills-employment/training-program-not-funded under-Title-ii-of-the-JTPA; which-builds-upon-and-does-not duplicate-training-received-under-Title-ii-

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The total number of adults/youth who, prior to termination, had completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational achievement are secondary and post secondary. Completion standards:

- shall be governed by state standard; and
- shall include a high school diploma, GED certificate or equivalent at the secondary level; and
- shall require a diploma or other written certification of completion at the post-secondary level.

NOTE: To obtain credit, completion of a major level of education must result primarily from JTPA program participation of at least 90 calendar days or 200 hours.

Entered Non-Title II Training - The total number of adults/youth who, prior to termination, had entered an occupational-skills employment/training program, not funded under Title II of the JTPA, which builds upon and does not duplicate training received under Title II.

NOTE: To obtain credit, the participant must have been retained in that program for at least 90 calendar days or 200 hours or must have received a certification of occupational skill attainment. During the period the participant is in non-Title II training, he/she may or may not have received JTPA services.

Completed-Program-Objectives---Completed-program-objectives-is-a-youth employability-enhancement-termination-reason-for-a-14-15-year-old-who, at-termination, -completed-program-objectives-as-defined-in-approved exemplary-youth-project-plans:

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Returned to Full-Time School - A youth who, at-termination, returned--to--full-time--school--if--at--the--time--of application, the participant was not attending school and had not obtained a high-school-diploma-or-equivalent: The total number of youth who,

had returned to full-time secondary school (e.g., junior high school, middle school and high school), including alternative school, if, at the time of intake the participant was not attending school, exclusive of summer, and had not obtained a high school diploma or equivalent and

prior to termination had been retained in school for one semester or at least 120 calendar days.

Alternative School - A specialized, structured curriculum offered inside or outside of the public school system which may provide work/study and/or GED preparation.

Remained in School - The total number of youth who, prior to termination, had been retained in full-time secondary school, including alternative school, for one semester or at least 120 calendar days. A youth may be terminated with this enhancement only if he/she was attending school at the time of intake, had not received a high school diploma or equivalent, and was considered "at risk of dropping out of school", as defined by the Governor in consultation with the State Education Agency.

NOTE: To obtain credit for Returned to Full-Time School or Remained in School, SDAs must be prepared to demonstrate that retention results from continuing participation in JTPA activities and the youth must be making satisfactory progress in school, and for youth aged 16-21: attain a PIC-approved Youth Employment Competency in Basic Skills or Job Specific Skills and for individuals aged 14-15: attained a PIC-approved Youth Employment Competency in Pre-employment/Work Maturity or Basic Skills.

Completed Major Level of Education - Completed major-level of education--is--a--youth--employability--enhancement termination-reason--for--a--youth--who--at--termination, completed--during--enrollment--a--level--of--educational achievement which had not been reached at application, levels-of-educational-attainment-are-elementary, secondary, and post-secondary: --To obtain credit, completion of a major-level-of-education--must--result--primarily--from participation-in-a-JTPA-activity: --Completions-standards:

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

1) HEADING OF THE PART: Consignment of Licenses

2) CODE CITATION: 17 Ill. Adm. Code 2520

3) SECTION NUMBERS: 2520.50
PROPOSED ACTION: Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39) and Section 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22), and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 63a35).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: These amendments have been proposed to expand the replacement capabilities of the Department for previously issued licenses or stamps. The amendments allow for the replacement of hunting or fishing stamps in addition to the license and also give the Department authority to issue a replacement when Department staff lose the sportsman's license or stamp.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

~~ex properly completed and notarized "Application for Duplicate License," should then be forwarded with the \$3.00 fee to: Department of Conservation, Duplicate License Section, 524 S. Second Street, Springfield, IL 62706. This Section will then issue the duplicate license.~~

The Department will issue replacements at no cost when the Department loses the sportsman's hunting, fishing, Sportsman's Combination, Ginseng Harvester, or trapping licenses or stamps.

The procedure for obtaining a replacement license is as follows:

1) Individual loss - The individual requesting the replacement should obtain from the vendor from which the original license was purchased, a copy (or the original) of the license or stamp application. If the application is unavailable, the individual may obtain an "Application for Replacement License" from any license vendor or the Department. An "Application for Replacement License" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application, or properly completed and notarized "Application for Replacement License," should then be forwarded with the \$3.00 fee per license or stamp to: Department of Conservation, Replacement License Section, 524 S. Second Street, Springfield, IL 62706. This section will then issue the replacement license and/or stamp(s).

2) Department loss - The Department location requesting the replacement should complete on agency letterhead a request for a replacement and forward the request to the Replacement License Section. The request should be completed in triplicate with one copy retained at the location and one copy given to the person whose license and/or stamp(s) were lost. This copy of the request will allow the person to hunt or fish in the interim between receiving a replacement. Information contained in the replacement request letter must include:

- A) date of the letter;
- B) indication that the letter may be used by the

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2520
CONSIGNMENT OF LICENSES

- Section
- 2520.10 Consignment Requirements
- 2520.20 Issuing Licenses
- 2520.30 Terms
- 2520.40 Credit to Vendor Accounts
- 2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses and Stamps

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and Section 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22), and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 63a35).

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983, amended at 8 Ill. Reg. 5660, effective April 16, 1984, amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. _____, effective _____.

Section 2520.50
Issuance of Replacement Hunting, Fishing and Trapping Licenses and Stamps

a) The Department will issue replacements for lost hunting, fishing, Sportsman's Combination, Ginseng harvester, or trapping licenses and Illinois stamps. A fee of \$3.00 per license or stamp will be charged to defray the cost of handling.

b) The procedure for obtaining a replacement license is as follows. The individual requesting the replacement should obtain from the vendor from which the original license was purchased, a copy (or the original) of the license application. If the license application is unavailable, the individual may obtain an "Application for Duplicate License" from any license vendor or the Department. An "Application for Duplicate License" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application

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NOTICE OF PROPOSED AMENDMENTS

person in lieu of a license for up to 30 days from the date on the letter;

C) Department location requesting the replacement (including address and contact phone number);

D) the name, complete mailing address, county of residence, date of birth, height, weight, hair color, eye color and daytime phone number of the person receiving the replacement;

E) indication of what licenses and/or stamps need to be replaced

F) the printed or typed names and signatures and the date of signature of the authorized persons at the Department location issuing the replacement letter and the location supervisor.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

1) The Heading of the Part: Hazardous Air Pollutants

2) Code Citation: 35 Ill. Adm. Code 231

3) Section Number:

Proposed Action:

231.110 Repeal
231.120 Repeal
231.122 Repeal
231.130 Repeal
231.140 Repeal
231.150 Repeal
231.160 Repeal
231.180 Repeal
231.190 Repeal
231.200 Repeal
231.210 Repeal
231.230 Repeal
231.240 Repeal
231.250 Repeal
231.260 Repeal
231.320 Repeal
231.330 Repeal
231.Table A Repeal
231.Appendix A Repeal
231.Appendix B Repeal
231.Appendix C Repeal

4) Statutory Authority: Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111½, pars. 1010 and 1027)

5) A Complete Description of the Subjects and Issues Involved:

The Board is proposing to amend 35 Ill. Adm. Code 231 in its entirety. Part 231 constitute the Board's National Emission Standards for Hazardous Air Pollutants (NESHAPS) adopted by peremptory rulemakings between 1979 and 1987. Prior to 1987, the Board was required to adopt the NESHAPS provisions in order for them to be enforceable in Illinois. However, in 1987, Section 9.1 of the Environmental Protection Act (Act) was amended to cause the automatic enforceability of the NESHAPS provisions in Illinois. As a result, the Board is no longer required to formally adopt NESHAPS provisions to make them effective; the NESHAPS become effective immediately upon their adoption

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NOTICE OF PROPOSED REPEALER

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by the United States Environmental Protection Agency (USEPA). It is no longer necessary to maintain these regulations in the Administrative Code. In fact, as new NESHAPS are adopted by USEPA and become enforceable in Illinois pursuant to Section 9.1 of the Act, these existing regulations may become outdated, or worse, may be inconsistent with the updated standards such as to cause confusion to the regulated community.

- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes X No

8) Does this proposed (amendment, repealer) contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objective (if applicable)?

Prior to the proposed repealer, affected local governments were required to comply with the NESHAPS provisions of the Baord's regulations, which incorporated by reference the NESHAPS provisions of the federal regulations. Pursuant to a 1987 amendment to Section 9.1 of the Environmental Protection Act, the federal NESHAPS provisions became automatically enforceable in Illinois. Consequently, this rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Reb. Stat. 1987, ch. 85, par. 2203).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7 Docket (B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: November 2, 1989.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER e: PEREMPTORY RULES

PART 231

HAZARDOUS AIR POLLUTANTS (REPEALED)

SUBPART A: GENERAL PROVISIONS

General Provisions

Section
231.110

SUBPART B: RADON-222 EMISSIONS
FROM UNDERGROUND URANIUM MINES

Section
231.120
231.122

Emission Standard for Asbestos (renumbered)
Radon-222 Emissions from Underground Uranium Mines

SUBPART C: BERYLLIUM

Section
231.130

Emission Standard for Beryllium

SUBPART D: BERYLLIUM ROCKET MOTOR FIRING

Section
231.140

Emission Standard for Beryllium Rocket Motor Firing

SUBPART E: MERCURY

Section
231.150

Emission Standard for Mercury

SUBPART F: VINYL CHLORIDE

Section
231.160

Emission Standard for Vinyl Chloride

SUBPART H: RADIONUCLIDE EMISSIONS FROM
DEPARTMENT OF ENERGY (DOE) FACILITIES

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

231.180 Radionuclide Emissions from Department of Energy
(DOE) Facilities

SUBPART I: RADIONUCLIDE EMISSIONS FROM
FACILITIES LICENSED BY THE NUCLEAR REGULATORY
COMMISSION (NRC) AND FEDERAL FACILITIES NOT
COVERED BY 35 ILL. ADM. CODE 231.180

Section
231.190

Radionuclide Emissions from Facilities Licensed by
the Nuclear Regulatory Commission (NRC) and Federal
Facilities Not Covered by 35 Ill. Adm. Code 231.180

SUBPART J: EQUIPMENT LEAKS (Fugitive Emission Sources)
OF BENZENE

Section
231.200

Equipment Leaks (Fugitive Emission Sources) of
Benzene

SUBPART K: RADIONUCLIDE EMISSIONS FROM
ELEMENTAL PHOSPHORUS PLANTS

Section
231.210

Radionuclide Emissions from Elemental Phosphorus
Plants

SUBPART M: ASBESTOS

Section
231.230

Emission Standard for Asbestos

SUBPART N: INORGANIC ARSENIC EMISSIONS
FROM GLASS MANUFACTURING PLANTS

Section
231.240

Inorganic Arsenic Emissions from Glass
Manufacturing Plants

SUBPART O: INORGANIC ARSENIC EMISSIONS
FROM PRIMARY COPPER SMELTERS

Section
231.250

Inorganic Arsenic Emissions from Primary
Copper Smelters

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amendment at Ill. Reg. 10922, effective June 1, 1987; peremptory amendment at 11 Ill. Reg. 11551, effective June 18, 1987; peremptory amendment at 11 Ill. Reg. 14848, effective August 25, 1987; repealed at 11 Ill. Reg. _____, effective _____.

SUBPART P: INORGANIC ARSENIC EMISSIONS
FROM ARSENIC TRIOXIDE AND METALLIC
ARSENIC PRODUCTION FACILITIES

Section 231.260 Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities

SUBPART V: EQUIPMENT LEAKS (Fugitive Emission Sources)

Section 231.320 Equipment Leaks (Fugitive Emission Sources)

SUBPART W: RADON-222 EMISSIONS FROM
LICENSED URANIUM MILL TAILINGS

Section 231.330 Radon-222 Emissions from Licensed Uranium Mill Tailings

Table A Rule into Section Table: Section into Rule Table
Appendix A National Emission Standards for Hazardous Air Pollutants, Compliance Status Information
Appendix B Test Methods
Appendix C Quality Assurance Procedures

AUTHORITY: Implementing and authorized by Section 9.1(c) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111, par. 1009.1(c)).

SOURCE: Peremptory rule adopted at 4 Ill. Reg. 9, p. 255, effective February 20, 1980; peremptory amendment at 6 Ill. Reg. 9437, effective July 15, 1982; peremptory amendment at 6 Ill. Reg. 14572, effective November 5, 1982; peremptory amendment at 7 Ill. Reg. 3029, effective March 7, 1983; codified at 7 Ill. Reg. 113624; peremptory amendment at 8 Ill. Reg. 1815, effective January 24, 1984; peremptory amendment at 8 Ill. Reg. 14660, effective August 1, 1984; peremptory amendment at 8 Ill. Reg. 24315, effective November 29, 1984; peremptory amendment at 9 Ill. Reg. 8878, effective May 28, 1985; peremptory amendment at 9 Ill. Reg. 9249, effective June 4, 1985; peremptory amendment at 9 Ill. Reg. 20924, effective December 16, 1985; peremptory amendment at 10 Ill. Reg. effective 9820, effective May 20, 1986; peremptory amendment at 10 Ill. Reg. 10152, effective May 21, 1986; peremptory amendment at 10 Ill. Reg. 15315, effective September 9, 1986; peremptory amendment in R86-43, R86-45, R86-47 at 10 Ill. Reg. 19578, effective October 30, 1986; peremptory

SUBPART A: GENERAL PROVISIONS

Section 231.110 General Provisions

The Board incorporates by reference 40 CFR 61, Subpart A (1986), as amended at 51 Fed. Reg. 34904, September 30, 1986.

SUBPART B: RADON-222 EMISSIONS FROM
UNDERGROUND URANIUM MINES

Section 231.120 Emission Standard for Asbestos (renumbered)

Section 231.122 Radon-222 Emissions from Underground Uranium Mines

The Board incorporates by reference 40 CFR 61, Subpart B as adopted at 50 Fed. Reg. 15386, April 17, 1985.

SUBPART C: BERYLLIUM

Section 231.130 Emission Standard for Beryllium

The Board incorporates by reference 40 CFR 61, Subpart C (1982).

SUBPART D: BERYLLIUM ROCKET MOTOR FIRING

Section 231.140 Emission Standard for Beryllium Rocket Motor Firing

The Board incorporates by reference 40 CFR 61, Subpart D (1982).

SUBPART E: MERCURY

Section 231.150 Emission Standard for Mercury

The Board incorporates by reference 40 CFR 61, Subpart E (1986), as amended at 52 Fed. Reg. 8724, March 19, 1987.

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SUBPART F: VINYL CHLORIDE

Section 231.160 Emission Standard for Vinyl Chloride

The Board incorporates by reference 40 CFR 61, Subpart F (1986), as amended at 51 Fed. Reg. 34904, September 30, 1986.

SUBPART H: RADIONUCLIDE EMISSIONS FROM DEPARTMENT OF ENERGY (DOE) FACILITIES

Section 231.180 Radionuclide Emissions from Department of Energy (DOE) Facilities

The Board incorporates by reference 40 CFR 61, Subpart H as adopted by 50 Fed. Reg. 5190, February 6, 1985.

SUBPART I: RADIONUCLIDE EMISSIONS FROM FACILITIES LICENSED BY THE NUCLEAR REGULATORY COMMISSION (NRC) AND FEDERAL FACILITIES NOT COVERED BY 35 ILL. ADM. CODE 231.180

Section 231.190

Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by 35 Ill. Adm. Code 231.180

The Board incorporates by reference 40 CFR 61, Subpart I as adopted by 50 Fed. Reg. 5190, February 6, 1985.

SUBPART J: EQUIPMENT LEAKS (Fugitive Emission Sources) OF BENZENE

Section 231.200

Equipment Leaks (Fugitive Emission Sources) of Benzene

The Board incorporates by reference 40 CFR 61, Subpart J as adopted at 49 Fed. Reg. 23498, June 6, 1984.

SUBPART K: RADIONUCLIDE EMISSIONS FROM ELEMENTAL PHOSPHORUS PLANTS

Section 231.210

Radionuclide Emissions from Elemental

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Phosphorus Plants

The Board incorporates by reference 40 CFR 61, Subpart K (1986), as amended at 52 Fed. Reg. 28140, July 28, 1987.

SUBPART M: ASBESTOS

Section 231.230 Emission Standard for Asbestos

The Board incorporates by reference 40 CFR 61, Subpart M (1985) as amended at 51 Fed. Reg. 8199, March 10, 1986.

SUBPART N: INORGANIC ARSENIC EMISSIONS FROM GLASS MANUFACTURING PLANTS

Section 231.240 Inorganic Arsenic Emissions from Glass Manufacturing Plants

The Board incorporates by reference 40 CFR 61, Subpart N as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

SUBPART O: INORGANIC ARSENIC EMISSIONS FROM PRIMARY COPPER SMELTERS

Section 231.250 Inorganic Arsenic Emissions from Primary Copper Smelters

The Board incorporates by reference 40 CFR 61, Subpart O as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

SUBPART P: INORGANIC ARSENIC EMISSIONS FROM ARSENIC TRIOXIDE AND METALLIC ARSENIC PRODUCTION FACILITIES

Section 231.260

Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities

The Board incorporates by reference 40 CFR 61, Subpart P as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

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SUBPART V: EQUIPMENT LEAKS (Fugitive Emission Sources)
Section 231.320 Equipment Leaks (Fugitive Emission Sources)
The Board incorporates by reference 40 CFR 61, Subpart V (1986)
as amended at 51 Fed. Reg. 34904, September 30, 1986.

Appendix C
Quality Assurance Procedures

The Board incorporates by reference 40 CFR 61, Appendix C (1982)
as amended at 47 Fed. Reg. 39168, September 7, 1982.

SUBPART W: RADON-222 EMISSIONS FROM
LICENSED URANIUM MILL TAILINGS

Section 231.330 Radon-222 Emissions from Licensed Uranium Mill
Tailings

The Board incorporates by reference 40 CFR 61, Subpart W as
adopted at 51 Fed. Reg. 34056, September 24, 1986.

Table A
Rule into Section Table;
Section into Rule Table

RULE	SECTION
1001	231.110
1002	231.120
1003	231.130
1004	231.140
1005	231.150
1006	231.160
1051	Appendix A
1052	Appendix B

Appendix A
National Emission Standards for Hazardous Air
Pollutants, Compliance Status Information

The Board incorporates by reference 40 CFR 61, Appendix A (1982).

Appendix B
Test Methods

The Board incorporates by reference 40 CFR 61, Appendix B (1986),
as amended in R86-33 at 51 Fed. Reg. 27956, August 4, 1986; as
amended at 52 Fed. Reg. 20397, June 1, 1987.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

1) The Heading of the Part: New Source Performance Standards

2) Code Citation: 35 Ill. Adm. Code 230

3) Section Number: Proposed Action:

230.110 Repeal
230.140 Repeal
230.141 Repeal
230.142 Repeal
230.150 Repeal
230.160 Repeal
230.170 Repeal
230.180 Repeal
230.190 Repeal
230.200 Repeal
230.210 Repeal
230.211 Repeal
230.212 Repeal
230.220 Repeal
230.230 Repeal
230.240 Repeal
230.241 Repeal
230.250 Repeal
230.260 Repeal
230.270 Repeal
230.280 Repeal
230.290 Repeal
230.300 Repeal
230.310 Repeal
230.320 Repeal
230.330 Repeal
230.340 Repeal
230.350 Repeal
230.360 Repeal
230.370 Repeal
230.371 Repeal
230.380 Repeal
230.390 Repeal
230.400 Repeal
230.410 Repeal
230.430 Repeal
230.440 Repeal
230.470 Repeal
230.480 Repeal
230.490 Repeal
230.500 Repeal

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230.520 Repeal
230.530 Repeal
230.540 Repeal
230.550 Repeal
230.560 Repeal
230.570 Repeal
230.580 Repeal
230.590 Repeal
230.600 Repeal
230.680 Repeal
230.690 Repeal
230.700 Repeal
230.720 Repeal
230.730 Repeal
230.740 Repeal
230.770 Repeal
230.780 Repeal
230. Table A Repeal
230. Table B Repeal
230. Appendix A Repeal
230. Appendix B Repeal
230. Appendix C Repeal
230. Appendix F Repeal

4) Statutory Authority: Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111½, pars. 1010 and 1027).

5) A Complete Description of the Subjects and Issues Involved:

The Board is proposing to amend 35 Ill. Adm. Code 230 in its entirety. Part 230 constitutes the Board's New Source Performance Standards (NSPS) adopted by peremptory rulemakings between 1979 and 1987. Prior to 1987, the Board was required to adopt the NSPS provisions in order for them to be enforceable in Illinois. However, in 1987, Section 9.1 of the Environmental Protection Act (Act) was amended to cause the automatic enforceability of the NSPS provisions in Illinois. As a result, the Board is no longer required to formally adopt NSPS provisions to make them effective; the NSPS become effective immediately upon their adoption by the United States Environmental Protection Agency (USEPA).

It is no longer necessary to maintain these regulations in the Administrative Code, in fact, as new NSPS are adopted

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by USEPA and become enforceable in Illinois pursuant to Section 9.1 of the Act, these existing regulations may become outdated, or worse, may be inconsistent with the updated standards such as to cause confusion to the regulated community.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 8) Does this proposed (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective (if applicable)?

Prior to the proposed repealer, affected local governments were required to comply with the NSPS provisions of the Board's regulations, which incorporated by reference the NSPS provisions of the federal regulations. Pursuant to a 1987 amendment to Section 9.1 of the Environmental Protection Act, the federal NSPS provisions became automatically enforceable in Illinois. Consequently, this rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7 Docket (B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: May 11, 1989
- B) Types of small businesses affected: None

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- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER e: PEREMPTORY RULES

PART 230

NEW SOURCE PERFORMANCE STANDARDS (REPEALED)

SUBPART A: GENERAL PROVISIONS

General Provisions

Section
230.110

SUBPART D: STEAM GENERATORS

Fossil-Fuel Fired Steam Generators for which
 Construction is Commenced after August 17, 1971

Section
230.140

Electric Utility Steam Generating Units for which
 Construction is Commenced after September 18, 1978

230.141

Industrial - Commercial - Institutional Steam
 Generating Units for which Construction is Commenced
 after June 19, 1984

230.142

SUBPART E: INCINERATORS

Incinerators

Section
230.150

SUBPART F: PORTLAND CEMENT PLANTS

Portland Cement Plants

Section
230.160

SUBPART G: NITRIC ACID PLANTS

Nitric Acid Plants

Section
230.170

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Appendix C Determination of Emission Rate Change
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AUTHORITY: Implementing and authorized by Section 9.1(c) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111, par. 1009.1(c)).

SOURCE: Peremptory rule adopted at 3 Ill. Reg. 49, p. 285, effective November 28, 1979; Peremptory rule adopted at 4 Ill. Reg. 9, p. 225, effective February 20, 1980; peremptory amendment at 4 Ill. Reg. 15, p. 1, effective March 30, 1980; peremptory amendment at 4 Ill. Reg. 23, p. 124, effective May 27, 1980; peremptory amendment at 4 Ill. Reg. 36, p. 159, effective August 25, 1980; peremptory amendment at 5 Ill. Reg. 1903, effective February 17, 1981; peremptory amendment at 5 Ill. Reg. 14205, effective December 13, 1981; peremptory amendment at 6 Ill. Reg. 3263, effective March 11, 1982; peremptory amendment at 6 Ill. Reg. 6072, effective August 18, 1982; peremptory amendment at 6 Ill. Reg. 10606, effective August 18, 1982; peremptory amendment at 6 Ill. Reg. 14572, effective November 5, 1982; peremptory amendment at 6 Ill. Reg. 15041, effective November 29, 1982; peremptory amendment at 6 Ill. Reg. 15587, effective December 9, 1982; peremptory amendment at 7 Ill. Reg. 976, effective January 10, 1983; peremptory amendment at 7 Ill. Reg. 3227, effective March 14, 1983; peremptory amendment at 7 Ill. Reg. 6978, effective May 12, 1983; peremptory amendment at 7 Ill. Reg. 8001, effective June 21, 1983; peremptory amendment at 7 Ill. Reg. 13700, effective September 29, 1983; codified at 7 Ill. Reg. 13614; peremptory amendment at 7 Ill. Reg. 17021, effective December 8, 1983; peremptory amendment at 7 Ill. Reg. 17460, effective effective February 2, 1984; peremptory amendment at 8 Ill. Reg. 3042, effective February 27, 1984; peremptory amendment at 8 Ill. Reg. 5715, effective April 16, 1984; peremptory amendment at 8 Ill. Reg. 6832, effective May 1, 1984; peremptory amendment at 8 Ill. Reg. 7927, effective May 22, 1984; peremptory amendment at 8 Ill. Reg. 10075, effective June 20, 1984; peremptory amendment at 8 Ill. Reg. 14665, effective August 1, 1984; peremptory amendment at 8 Ill. Reg. 24320, effective November 29, 1984; peremptory amendment at 9 Ill. Reg. 2539, effective February 22, 1985; peremptory amendment at 9 Ill. Reg. 8884, effective May 28, 1985; peremptory amendment at 9 Ill. Reg. 9587; peremptory amendment at 9 Ill. Reg. 10289, effective June 24, 1985; peremptory amendment at 9 Ill. Reg. 13377, effective August 20, 1985; peremptory amendment at 9 Ill. Reg. 17037, effective October 18, 1985; peremptory amendment at 9 Ill. Reg. 20929, effective December 16, 1985; peremptory amendment at 10 Ill. Reg. 3887, effective February 7, 1986;

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Section 230.680 Flexible Vinyl and Urethane Coating and Printing

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Section 230.740 Onshore Natural Gas Processing; SO₂ Emissions

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peremptory amendment at 10 Ill. Reg. 4963, effective March 11, 1986; peremptory amendment at 10 Ill. Reg. 10157, effective May 22, 1986; peremptory amendment at 10 Ill. Reg. 11160, effective June 10, 1986; peremptory amendment at 10 Ill. Reg. 12168, effective July 1, 1986; peremptory amendment at 10 Ill. Reg. 13762, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 16752, effective September 22, 1986; peremptory amendment at 10 Ill. Reg. 18051, effective October 6, 1986; peremptory amendment at 11 Ill. Reg. 1709, effective January 2, 1987; peremptory amendment at 11 Ill. Reg. 8794, effective April 15, 1987; peremptory amendment at 11 Ill. Reg. 10927, effective June 1, 1987; peremptory amendment at 11 Ill. Reg. 11557, effective June 18, 1987; peremptory amendment at 11 Ill. Reg. 12050, effective July 2, 1987; peremptory amendment at 11 Ill. Reg. 14837, effective August 25, 1987; Repealed in R89-7(B), at 14 Ill. Reg. _____, effective _____

SUBPART A: GENERAL PROVISIONS

Section 230.110 General Provisions

The Board incorporates by reference 40 CFR 60, Subpart A (1986); as amended at 52 Fed. Reg. 9778, March 26, 1987; as amended at 52 Fed. Reg. 17555, May 11, 1987.

SUBPART D: STEAM GENERATORS

Section 230.140 Fossil Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971

The Board incorporates by reference 40 CFR 60, Subpart D (1986), as amended at 51 Fed. Reg. 42796, November 25, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986.

Section 230.141 Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978

The Board incorporates by reference 40 CFR 60, Subpart Da (1986), as amended at 51 Fed. Reg. 42839, November 26, 1986.

Section 230.142 Industrial - Commercial - Institutional Steam Generating Units for which Construction is Commenced after June 19, 1984

The Board incorporates by reference 40 CFR 60, Subpart Db as adopted at 51 Fed. Reg. 42768, November 25, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986.

SUBPART E: INCINERATORS

Section 230.150 Incinerators

The Board incorporates by reference 40 CFR 60, Subpart E (1982).

SUBPART F: PORTLAND CEMENT PLANTS

Section 230.160 Portland Cement Plants

The Board incorporates by reference 40 CFR 60, Subpart F (1982).

SUBPART G: NITRIC ACID PLANTS

Section 230.170 Nitric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart G (1982); as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART H: SULFURIC ACID PLANTS

Section 230.180 Sulfuric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart H (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983; as amended at 48 Fed. Reg. 44700, September 29, 1983; as amended at 48 Fed. Reg. 48669, October 20, 1983.

SUBPART I: ASPHALT CONCRETE PLANTS

Section 230.190 Asphalt Concrete Plants

The Board incorporates by reference 40 CFR 60, Subpart I (1985), as amended at 51 Fed. Reg. 12324, April 10, 1986.

SUBPART J: PETROLEUM REFINERIES

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Section 230.200 Petroleum Refineries

The Board incorporates by reference 40 CFR 60, Subpart J (1986), as amended at 51 Fed. Reg. 42839, November 26, 1986.

SUBPART K: STORAGE VESSELS FOR PETROLEUM LIQUIDS

Section 230.210 Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after June 11, 1973, and Prior to May 19, 1978

The Board incorporates by reference 40 CFR 60, Subpart K (1986), as amended at 52 Fed. Reg. 11420, April 8, 1987.

Section 230.211 Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after May 18, 1978, and prior to July 23, 1984.

The Board incorporates by reference 40 CFR 60, Subpart Ka (1986), as amended at 52 Fed. Reg. 11420, April 8, 1987.

Section 230.212 Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

The Board incorporates by reference 40 CFR 60, Subpart Kb, as adopted at 52 Fed. Reg. 11420, April 8, 1987, as amended at 52 Fed. Reg. 22779, June 16, 1987.

SUBPART L: SECONDARY LEAD SMELTERS

Section 230.220 Secondary Lead Smelters

The Board incorporates by reference 40 CFR 60, Subpart L (1982).

SUBPART M: SECONDARY BRASS AND BRONZE INGOT PRODUCTION PLANTS

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Section 230.230 Secondary Brass and Bronze Ingot Production Plants

The Board incorporates by reference 40 CFR 60, Subpart M (1984), as amended at 49 Fed. Reg. 43616, October 30, 1984.

SUBPART N: BASIC OXYGEN PROCESS FURNACES

Section 230.240 Primary Emissions from Basic Oxygen Process Furnaces Constructed after June 11, 1973

The Board incorporates by reference 40 CFR 60, Subpart N (1985), as amended at 51 Fed. Reg. 150, January 2, 1986.

Section 230.241 Secondary Emissions from Basic Oxygen Steelmaking Facilities Constructed after January 20, 1983

The Board incorporates by reference 40 CFR 60, Subpart Na as adopted at 51 Fed. Reg. 150, January 2, 1986.

SUBPART O: SEWAGE TREATMENT PLANTS

Section 230.250 Sewage Treatment Plants

The Board incorporates by reference 40 CFR 60, Subpart O (1982).

SUBPART P: PRIMARY COPPER SMELTERS

Section 230.260 Primary Copper Smelters

The Board incorporates by reference 40 CFR 60, Subpart P (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART Q: PRIMARY ZINC SMELTERS

Section 230.270 Primary Zinc Smelters

The Board incorporates by reference 40 CFR 60, Subpart Q (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983.

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SUBPART R: PRIMARY LEAD SMELTERS

Section 230.280 Primary Lead Smelters

The Board incorporates by reference 40 CFR 60, Subpart R (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART S: PRIMARY ALUMINUM REDUCTION PLANTS

Section 230.290 Primary Aluminum Reduction Plants

The Board incorporates by reference 40 CFR 60, Subpart S (1982).

SUBPART T: THE PHOSPHATE FERTILIZER INDUSTRY:
WET-PROCESS PHOSPHORIC ACID PLANTSSection 230.300 Phosphate Fertilizer Industry: Wet-Process
Phosphoric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart T (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART U: THE PHOSPHATE FERTILIZER INDUSTRY:
SUPERPHOSPHORIC ACID PLANTSSection 230.310 Phosphate Fertilizer Industry: Superphosphoric
Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart U (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART V: THE PHOSPHATE FERTILIZER INDUSTRY:
DIAMMONIUM PHOSPHATE PLANTSSection 230.320 Phosphate Fertilizer Industry: Diammonium
Phosphate Plants

The Board incorporates by reference 40 CFR 60, Subpart V (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

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SUBPART W: THE PHOSPHATE FERTILIZER INDUSTRY:
TRIPLE SUPERPHOSPHATE PLANTSSection 230.330 Phosphate Fertilizer Industry: Triple
Superphosphate Plants

The Board incorporates by reference 40 CFR 60, Subpart W (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART X: THE PHOSPHATE FERTILIZER INDUSTRY:
GRANULAR TRIPLE SUPERPHOSPHATE STORAGE FACILITIESSection 230.340 Phosphate Fertilizer Industry: Granular Triple
Superphosphate Storage Facilities

The Board incorporates by reference 40 CFR 60, Subpart X (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART Y: COAL PREPARATION PLANTS

Section 230.350 Coal Preparation Plants

The Board incorporates by reference 40 CFR 60, Subpart Y (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART Z: FERROALLOY PRODUCTION FACILITIES

Section 230.360 Ferroalloy Production Facilities

The Board incorporates by reference 40 CFR 60, Subpart Z (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART AA: STEEL PLANTS:
ELECTRIC ARC FURNACES

Section 230.370 Steel Plants: Electric Arc Furnaces

The Board incorporates by reference 40 CFR 60, Subpart AA (1984), as amended at 49 Fed. Reg. 43838, October 31, 1984.

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The Board incorporates by reference 40 CFR 60, Subpart GG (1983), as amended at 49 Fed. Reg. 30672, July 31, 1984.

Section 230.371 Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

SUBPART HH: LIME MANUFACTURING PLANTS

Section 230.440 Lime Manufacturing Plants
The Board incorporates by reference 40 CFR 60, Subpart HH (1986); as amended at 52 Fed. Reg. 4773, February 17, 1987

The Board incorporates by reference 40 CFR 60, Subpart AA as adopted at 49 Fed. Reg. 43838, October 31, 1984.

SUBPART BB: KRAFT PULP MILLS

Section 230.380 Kraft Pulp Mills
The Board incorporates by reference 40 CFR 60, Subpart BB (1985), as amended at 50 Fed. Reg. 6316, February 14, 1985; as amended at 50 Fed. Reg. 9577, March 8, 1985; as amended at 51 Fed. Reg. 18538, May 20, 1986.

SUBPART CC: GLASS MANUFACTURING PLANTS

Section 230.390 Glass Manufacturing Plants
The Board incorporates by reference 40 CFR 60, Subpart CC (1984), as amended at 49 Fed. Reg. 41030, October 19, 1984

SUBPART LL: METALLIC MINERAL PROCESSING PLANTS

Section 230.480 Metallic Mineral Processing Plants
The Board incorporates by reference 40 CFR 60, Subpart LL, as adopted at 49 Fed. Reg. 6458, February 21, 1984.

SUBPART DD: GRAIN ELEVATORS

Section 230.400 Grain Elevators
The Board incorporates by reference 40 CFR 60, Subpart DD (1982).

SUBPART MM: AUTOMOBILE AND LIGHT-DUTY TRUCK SURFACE COATING OPERATIONS

Section 230.490 Automobile and Light-Duty Truck Surface Coating Operations
The Board incorporates by reference 40 CFR 60, Subpart MM (1982).

SUBPART EE: SURFACE COATING OF METAL FURNITURE

Section 230.410 Surface Coating of Metal Furniture
The Board incorporates by reference 40 CFR 60, Subpart EE (1984), as amended at 50 Fed. Reg. 18247, April 30, 1985.

SUBPART NN: PHOSPHATE ROCK PLANTS

Section 230.500 Phosphate Rock Plants
The Board incorporates by reference 40 CFR 60, Subpart NN (1982).

SUBPART PP: AMMONIUM SULFATE MANUFACTURE

Section 230.520 Ammonium Sulfate Manufacture

SUBPART GG: STATIONARY GAS TURBINES

Section 230.430 Stationary Gas Turbines

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The Board incorporates by reference 40 CFR 60, Subpart PP (1982).

SUBPART QQ: GRAPHIC ARTS INDUSTRY:
PUBLICATION ROTOGRAVURE PRINTING

Section 230.530 Graphic Arts Industry: Publication Rotogravure Printing

The Board incorporates by reference 40 CFR 60, Subpart QQ (1982), as amended at 47 Fed. Reg. 50644, November 8, 1982; as amended at 48 Fed. Reg. 10566, January 10, 1983.

SUBPART RR: PRESSURE SENSITIVE TAPE AND LABEL
SURFACE COATING OPERATIONS

Section 230.540 Pressure Sensitive Tape and Label Surface Coating Operations

The Board incorporates by reference 40 CFR 60, Subpart RR (1983), as amended at 43 Fed. Reg. 48368, October 18, 1983.

SUBPART SS: INDUSTRIAL SURFACE COATING:
LARGE APPLIANCES

Section 230.550 Industrial Surface Coating: Large Appliances

The Board incorporates by reference 40 CFR 60, Subpart SS (1982), as amended at 47 Fed. Reg. 47778, October 27, 1982.

SUBPART TT: METAL COIL SURFACE COATING

Section 230.560 Metal Coil Surface Coating Operations

The Board incorporates by reference 40 CFR 60, Subpart TT (1985), as amended at 47 Fed. Reg. 49606, November 1, 1982; as amended in R86-26 at 51 Fed. Reg. 22938, June 24, 1986.

SUBPART UU: ASPHALT PROCESSING AND
ASPHALT ROOFING MANUFACTURE

Section 230.570 Asphalt Processing and Asphalt Roofing Manufacture

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The Board incorporates by reference 40 CFR 60, Subpart UU (1982), as amended at 47 Fed. Reg. 34137, August 6, 1982.

SUBPART VV: EQUIPMENT LEAKS OF VOC IN THE SYNTHETIC
ORGANIC CHEMICALS MANUFACTURING INDUSTRY

Section 230.580 Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry

The Board incorporates by reference 40 CFR 60, Subpart VV (1983), as amended at 48 Fed. Reg. 48328, October 18, 1983; as amended at 49 Fed. Reg. 22598, May 30, 1984; as amended at 49 Fed. Reg. 26738, June 29, 1984.

SUBPART WW: BEVERAGE CAN SURFACE COATING INDUSTRY

Section 230.590 Beverage Can Surface Coating Industry

The Board incorporates by reference 40 CFR 60, Subpart WW as adopted at 48 Fed. Reg. 38728, August 25, 1983.

SUBPART XX: BULK GASOLINE TERMINALS

Section 230.600 Bulk Gasoline Terminals

The Board incorporates by reference 40 CFR 60, Subpart XX as adopted at 48 Fed. Reg. 35790, August 18, 1983.

SUBPART FFF: FLEXIBLE VINYL AND
COATING AND PRINTING

Section 230.680 Flexible Vinyl and Urethane Coating and Printing

The Board incorporates by reference 40 CFR 60, Subpart FFF as adopted at 49 Fed. Reg. 26884, June 29, 1984; as amended at 49 Fed. Reg. 32848, August 17, 1984.

SUBPART GGG: EQUIPMENT LEAKS OF VOC
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Section 230.690 Equipment Leaks of VOC in Petroleum Refineries
The Board incorporates by reference 40 CFR 60, Subpart GGG as adopted at 49 Fed. Reg. 22598, May 30 1984.

SUBPART HHH: SYNTHETIC FIBER
PRODUCTION FACILITIES

Section 230.700 Synthetic Fiber Production Facilities

The Board incorporates by reference 40 CFR 60, Subpart HHH (1983), as amended at 49 Fed. Reg. 13646, April 5, 1984; as amended at 49 Fed. Reg. 18096, April 27, 1984.

SUBPART JJJ: PETROLEUM DRY CLEANERS

Section 230.720 Petroleum Dry Cleaners

The Board incorporates by reference 40 CFR 60, Subpart JJJ (1984) as amended at 50 Fed. Reg. 49022, November 27, 1985.

SUBPART KKK: EQUIPMENT LEAKS OF VOC FROM
ONSHORE NATURAL GAS PROCESSING PLANTS

Section 230.730 Equipment Leaks of VOC from Onshore Natural Gas Processing Plants

The Board incorporates by reference 40 CFR 60, Subpart KKK, as adopted at 50 Fed. Reg. 26122, June 24, 1985.

SUBPART LLL: ONSHORE NATURAL GAS PROCESSING;
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Section 230.740 Onshore Natural Gas Processing; SO₂ Emissions
The Board incorporates by reference 40 CFR 60, Subpart LLL, as adopted at 50 Fed. Reg. 40158, October 1, 1985.

SUBPART OOO: NONMETALLIC MINERAL PROCESSING PLANTS

Section 230.770 Nonmetallic Mineral Processing Plants

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The Board incorporates by reference 40 CFR 60, Subpart OOO, as adopted at 50 Fed. Reg. 31328, August 1, 1985.

SUBPART PPP: WOOL FIBERGLASS
INSULATION MANUFACTURING PLANTS

Section 230.780 Wool Fiberglass Insulation Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart PPP as adopted at 50 Fed. Reg. 7694, February 25, 1985.

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Appendix A: Reference Methods

The Board incorporates by reference 40 CFR 60, Appendix A, (1986); as amended at 51 Fed. Reg. 29104, August 14, 1986; as amended at 51 Fed. Reg. 32454, September 12, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986; as amended at 51 Fed. Reg. 44803, December 12, 1986; as amended at 52 Fed. Reg. 5105, February 19, 1987; as amended at 52 Fed. Reg. 9778, March 26, 1987; as amended at 52 Fed. Reg. 19797 (numbered as 18797), May 27, 1987; as amended at 52 Fed. Reg. 20391, June 1, 1987; as amended in R87-15, July 16, 1987.

Appendix B

Performance Specifications

The Board incorporates by reference 40 CFR 60, Appendix B 1986, as amended at 52 Fed. Reg. 17555, May 11, 1987.

Appendix C

Determination of Emission Rate Change

The Board incorporates by reference 40 CFR 60, Appendix C (1982).

Appendix F: Quality Assurance Procedures

POLLUTION CONTROL BOARD
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1) The Heading of the Part: Organic Material Emission Standards and Limitations

The Board incorporates by reference 52 Fed. Reg. 21003, June 4, 1987, as amended in R87-17, July 16, 1987; as amended at 52 Fed. Reg. 27612, July 22, 1987.

2) Code Citation: 35 Ill. Adm. Code 215

3) Section Number: Proposed Action:

215.123 Amended

4) Statutory Authority: Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111 $\frac{1}{2}$, pars. 1010 and 1027)

5) A Complete Description of the Subjects and Issues Involved:

The Board is proposing to amend 35 Ill. Adm. Code 215.123. Section 215.123 cross-references 35 Ill. Adm. Code 230. Since the Board is proposing to repeal Part 230 in this same rulemaking proceeding, R89-7(B), Section 215.123 must be amended to delete cross-reference to Part 230. Although deleting reference to Part 230, no substantive change is being made because this amendment also includes language indicating the automatic enforceability of the regulations presently in Part 230 under Section 9.1 of the Environmental Protection Act

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Does this proposed (amendment, repealer) contain incorporations by reference? Yes.

Are there any other amendments pending on this Part? Yes

Section Number:	Proposed Action:	Ill. Reg. Citation
215.105	Amendment	14 Ill. Reg. 08877
215.102	Amendment	14 Ill. Reg. 02772
215.585	Amendment	14 Ill. Reg. 12701

10) Statement of Statewide Policy Objective (if applicable)?
This rulemaking replaces language cross-referencing Parts 230 and 231, which are being repealed, with language that

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indicates the automatic enforceability of those federal regulations in Illinois pursuant to Section 9.1 of the Environmental Protection Act. Since the substance of those provisions are not being changed, this rulemaking does not create nor expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill.Rev.Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
Send written comments concerning R89-7 Docket (B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.
 - 12) Initial Regulatory Flexibility Analysis (if applicable):
 - A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:
November 2, 1989
 - B) Types of small businesses affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None
- The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

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215.438 Standards for Control Devices

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215.441 Petroleum Refinery Waste Gas Disposal

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SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

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215.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers

215.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters

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215.484 In-Process Tanks

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SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

Section

215.500 Exception

215.510 Coke By-Product Recovery Plants

215.512 Coke By-Product Recovery Plant Leaks

215.513 Inspection Program

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215.516 Compliance Dates

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SUBPART V: AIR OXIDATION PROCESSES

Section

215.520 Applicability

215.521 Definitions

215.525 Emission Limitations for Air Oxidation Processes

215.526 Testing and Monitoring

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SUBPART W: AGRICULTURE

Section

215.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section

215.561 Architectural Coatings

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SUBPART Y: GASOLINE DISTRIBUTION

Section

215.581 Bulk Gasoline Plants

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215.583 Gasoline Dispensing Facilities

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215.585 Gasoline Volatility Standards

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215.604 Compliance Dates and Geographical Areas
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215.606 Exception to Compliance Plan
215.607 Standards for Petroleum Solvent Dry Cleaners
215.608 Operating Practices for Petroleum Solvent Dry Cleaners
215.609 Program for Inspection and Repair of Leaks
215.610 Testing and Monitoring
215.611 Exemption for Petroleum Solvent Dry Cleaners
215.612 Compliance Dates and Geographical Areas
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215.614 Testing Method for Volatile Organic Material Content of Wastes
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SUBPART AA: PAINT AND INK MANUFACTURING

Section
215.620 Applicability
215.621 Exemption for Waterbase Material and Heatset Offset Ink
215.623 Permit Conditions
215.624 Open-top Mills, Tanks, Vats or Vessels
215.625 Grinding Mills
215.628 Leaks
215.630 Clean Up
215.636 Compliance Date

SUBPART BB: POLYSTYRENE PLANTS

Section
215.875 Applicability of Subpart BB
215.877 Emissions Limitation at Polystyrene Plants
215.879 Compliance Date
215.881 Compliance Plan
215.883 Special Requirements for Compliance Plan
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SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

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SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES
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215.940 Applicability
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SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
215.960 Applicability
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Appendix A Rule into Section Table
Appendix B Section into Rule Table
Appendix C Past Compliance Dates
Appendix D List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
Appendix E Reference Methods and Procedures
Appendix F Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective June 29, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14,

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1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990, amended in R88-19 at 14 Ill. Reg. 14 7596, effective May 8, 1990, amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990, amended in R89-7(B) at 14 Ill. Reg. _____, effective _____.

Section 215.123 Petroleum Liquid Storage Tanks

- a) The requirements of subsection (b) shall not apply to any stationary storage tank:

- 1) Equipped before January 1, 1979, with one of the vapor loss control devices specified in Section 215.121(b), except Section 215.121(b)(1);
- 2) With a capacity of less than 151.42 cubic meters;
- 3) With a capacity of less than 1,600 cubic meters (422,400 gallons) and used to store produced crude oil and condensate prior to custody transfer;
- 4) With a capacity of less than 1,430 cubic meters (378,000 gallons) and used to store produced oil or condensate in crude oil gathering;
- 5) Subject to new source performance standards for storage vessels of petroleum liquid, 35 ~~iii~~, ~~Adm-~~ ~~code 2307~~, 40 CFR 60, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 U.S.C. 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

- 6) In which volatile petroleum liquid is not stored; or

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- 7) Which is a pressure tank as described in Section 215.121(a).
- b) Subject to subsection (a) no owner or operator of a stationary storage tank shall cause or allow the storage of any volatile petroleum liquid in the tank unless:
 - 1) The tank is equipped with one of the vapor loss control devices specified in Section 215.121(b);
 - 2) There are no visible holes, tears or other defects in the seal or any seal fabric or material of any floating roof;
 - 3) All openings of any floating roof deck, except stub drains, are equipped with covers, lids or seals such that:
 - A) The cover, lid or seal is in the closed position at all times except when petroleum liquid is transferred to or from the tank;
 - B) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and
 - C) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting;
 - 4) Routine inspections of floating roof seals are conducted through roof hatches once every six months;
 - 5) A complete inspection of the cover and seal of any floating roof tank is made whenever the tank is emptied for reasons other than the transfer of petroleum liquid during the normal operation of the tank, or whenever repairs are made as a result of any semiannual inspection or incidence of roof damage or defect; and
 - 6) A record of the results of each inspection conducted under subsection (b)(4) or (b)(5) is maintained.

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- c) Owners and operators of petroleum liquid storage tanks were required to have compliance schedules as summarized in Appendix C.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: Permits and General Provisions

- 2) Code Citation: 35 Ill. Adm. Code 201

- 3) Section Number: Proposed Action:

201.102 Amend
201.401 Amend

- 4) Statutory Authority: Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111 $\frac{1}{2}$, pars. 1010 and 1027)

- 5) A Complete Description of the Subjects and Issues Involved:

The Board is proposing to amend 35 Ill. Adm. Code 201.102 and 201.401. Those sections cross-reference 35 Ill. Adm. Code 230. Since the Board is proposing to repeal Part 230 in this same rulemaking proceeding, R89-7(B), Sections 201.102 and 201.401 must be amended to delete cross-reference to Part 230. Although deleting reference to Part 230, no substantive change is being made because this amendment also includes language indicating the automatic enforceability of the regulations previously in Part 230 under Section 9.1 of the Environmental Protection Act.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

- 8) Does this proposed (amendment, repealer) contain incorporations by reference? Yes

- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objective:

This rulemaking replaces language cross-referencing Parts 230 and 231, which are being repealed, with language that indicates the automatic enforceability of those federal regulations in Illinois pursuant to Section 9.1 of the Environmental Protection Act. Since the substance of those provisions are not being changed, this rulemaking does not create nor expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill.Rev.Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Send written comments concerning R89-7 Docket (B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.
- 12) Initial Regulatory Flexibility Analysis (if applicable):
- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: November 2, 1989.
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- The full text of the proposed amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
PERMITS AND GENERAL PROVISIONS
SUBPART A: DEFINITIONS

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201.101 Other Definitions
201.102 Definitions
201.103 Abbreviations and Units
201.104 Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

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201.121 Existence of Permit No Defense
201.122 Proof of Emissions
201.123 Burden of Persuasion Regarding Exceptions
201.124 Annual Report
201.125 Severability
201.126 Repealer

SUBPART C: PROHIBITIONS

Section
201.141 Prohibition of Air Pollution
201.142 Construction Permit Required
201.143 Operating Permits for New Sources
201.144 Operating Permits for Existing Sources
201.146 Exemptions from Permit Requirement
201.147 Former Permits
201.148 Operation Without Compliance Program and Project Completion Schedule
201.149 Operation During Malfunction, Breakdown or Startups
201.150 Circumvention
201.151 Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS
AND REVIEW PROCESS

Section
201.152 Contents of Application for Construction Permit
201.153 Incomplete Applications

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201.154 Signatures
201.155 Standards for Issuance
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201.157 Contents of Application for Operating Permit
201.158 Incomplete Applications
201.159 Signatures
201.160 Standards for Issuance
201.161 Conditions
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201.163 Joint Construction and Operating Permits
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SUBPART F: RENEWAL, REVOCATION, REVISION
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SUBPART H: COMPLIANCE PROGRAMS AND
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Contents of Request for Permission to Operate During a
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Malfunction, Breakdown or Startup
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Continued Operation or Startup Prior to Granting of
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SUBPART J: MONITORING AND TESTING

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201.281 Permit Monitoring Equipment Requirements
201.282 Testing
201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

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201.301
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SUBPART L: CONTINUOUS MONITORING

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201.401 Continuous Monitoring Requirements
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201.405 Excess Emission Reporting
201.406 Data Reduction
201.407 Retention of Information
201.408 Compliance Schedules

Appendix A Rule Into Section Table
Appendix B Section Into Rule Table
Appendix C Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27
of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch.
111, pars. 1010 and 1027)

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General
Provisions, in R71-23, 4 PCB 191, filed and effective April 14,
1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg.
30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill.
Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg.
13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628,
effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066,
effective February 3, 1989; amended in R89-7A at 13 Ill. Reg.
19444, effective December 5, 1989; amended in R89-7B at 14 Ill.
Reg. _____, effective _____.

Section 201.102 Definitions

"Air Contaminant": any solid, liquid or gaseous matter,
any odor or any form of energy, that is capable of being
released into the atmosphere from an emission source.

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"Air Pollution": the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

"Air Pollution Control Equipment": any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

"Ambient Air": that portion of the atmosphere external to buildings comprising emission sources.

"Ambient Air Quality Standard": those standards promulgated from time to time by the Pollution Control Board (Board) pursuant to authority contained in the Act and found at 35 Ill. Adm. Code 243, or by the United States Environmental Protection Agency (USEPA) pursuant to authority contained in 42 U.S.C. 7401 et seq., as amended from time to time.

"Clean Air Act": the Clean Air Act of 1970, as amended, including the Clean Air Act Amendments of 1977, as amended (42 U.S.C. 7401 et seq.)

"Commence": the act of entering into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modifications.

"Construction": commencement of on-site fabrication, erection or installation of an emission source or of air pollution control equipment.

"Emission Source": any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"Existing Air Pollution Control Equipment": any air pollution control equipment, the construction or modification which has commenced prior to April 14, 1972.

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"Existing Emission Source": any emission source, the construction or modification of which has commenced prior to April 14, 1972.

"Modification": any physical change in, or change in the method of operations of, an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted. Notwithstanding any other provisions of this definition, for purposes of permits issued pursuant to Subpart D, the Illinois Environmental Protection Agency (Agency) may specify conditions under which an emission source or air pollution control equipment may be operated without causing a modification as herein defined, and normal cyclical variations, before the date operating permits are required, shall not be considered modifications.

"New Air Pollution Control Equipment": any air pollution control equipment, the construction or modification of which is commenced on or after April 14, 1972.

"New Emission Source": any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"Owner or Operator": any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

"Person": any individual, corporation, partnership, firm, association, trust estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

"PSD Increment": the maximum allowable increase over baseline concentration of any air contaminant as determined by Section 163 of the Clean Air Act (42 U.S.C. 7473) and regulations adopted thereunder.

POLLUTION CONTROL BOARD

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B) Nitrogen oxides, when:

- i) The steam generator is greater than 1000 million Btu per hour heat input;
- ii) The facility is located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 for the Clean Air Act (42 U.S.C. 7407) that a control strategy for nitrogen dioxide is necessary to attain the national standards; and

iii) The owner or operator has not demonstrated during compliance tests performed pursuant to 35 illr Adm. Code 230-Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9-1 of the Illinois Environmental Protection Act that the source emits nitrogen oxides at levels less than 30% or more below the emissions standards applicable to that source. Such compliance tests shall be performed pursuant to regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 U.S.C. 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES... ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER SECTION 9.1 [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT. CH. 111, PAR. 1009.1(b))

- C) Sulfur dioxide, when the steam generator is greater than 250 million Btu per hour heat input and which has installed and operates sulfur dioxide pollution control equipment.
- D) Percent oxygen or carbon dioxide, when measurements of oxygen or carbon dioxide in

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"Specified Air Contaminant": any air contaminant as to which this Subtitle contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

"Standard Industrial Classification Manual": The Standard Industrial Classification Manual (1972), Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART L: CONTINUOUS MONITORING

Section 201.401 Continuous Monitoring Requirements

- a) Except as otherwise provided at Section 201.402 and Section 201.403, the owners and operators of the following emission sources shall install, operate, calibrate and maintain continuous monitoring equipment for the indicated pollutants.

1) Fossil fuel-fired steam generators with an annual average capacity factor greater than 30%, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency through the use of annual production data and equipment rating information representative of the facility's operations, shall monitor for:

- A) Opacity, when the steam generator is greater than 250 million Btu per hour heat input unless:
 - i) Gas is the only fuel burned; or
 - ii) Oil or a mixture of gas and oil are the only fuels burned and the source can comply with the limitations applicable to that source for particulate matter and opacity without use of collection equipment for particulate matter and the source has never been found to be in violation of an applicable visible or particulate emission standard through any administrative or judicial proceedings.

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the flue gas are required pursuant to 35 Ill. Adm. Code 230- Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act, (42 U.S.C. 7411) as amended, and made applicable in Illinois pursuant to Section 9-1 of the Illinois Environmental Protection Act or 40 CFR 51- Appendix P (this incorporation includes no later amendments or editions) to convert sulfur dioxide or nitrogen oxide continuous emissions data to units of the applicable emission standard applicable to that source. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ILLINOIS ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

which meets the performance specifications set forth in paragraphs 3.1 through 3.8 of 40 CFR 51, Appendix P (1987) (this incorporation includes no later amendments or editions), and relevant portions of 35 Ill. Adm. Code 230-Appendix A and B- regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 U.S.C. 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

- 2) Sulfuric acid plants of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall monitor for sulfur dioxide at each point of sulfur dioxide emission.
- 3) Nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 of the Clean Air Act that a control strategy for nitrogen dioxide is necessary to attain the national standard, shall monitor for nitrogen oxides at each point of nitrogen oxide emission.
- 4) Petroleum refineries shall monitor for opacity at each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity.

b) Except for sources permitted to use alternative monitoring pursuant to Section 201.402, compliance with the Illinois emissions limitations by the owners and operators of emission sources required to monitor continuously shall be determined by the use of equipment

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- 1) The Heading of the Part: Visible and Particulate Matter Emissions
- 2) Code Citation: 35 Ill. Adm. Code 212
- 3) Section Number: Proposed Action:
212.205 Amend
212.443 Amend
- 4) Statutory Authority: Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111½, pars. 1010 and 1027)
- 5) A Complete Description of the Subjects and Issues Involved:

The Board is proposing to amend 35 Ill. Adm. Code 212.205 and 212.443. Those sections cross-reference 35 Ill. Adm. Code 230. Since the Board is proposing to repeal Part 230 in this same rulemaking proceeding, R89-7(B), Sections 212.205 and 212.443 must be amended to delete cross-reference to Part 230. Although deleting reference to Part 230, no substantive change is being made because this amendment also includes language indicating the automatic enforceability of the regulations previously in Part 230 under Section 9.1 of the Environmental Protection Act.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

- 8) Does this proposed (amendment, repealer) contain incorporations by reference? Yes

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objective (if applicable)?

This rulemaking replaces language cross-referencing Parts 230 and 231, which are being repealed, with language that indicates the automatic enforceability of those federal regulations in Illinois pursuant to Section 9.1 of the Environmental Protection Act. Since the substance of those provisions are not being changed, this rulemaking does not

POLLUTION CONTROL BOARD

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create nor expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7 Docket (B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: November 2, 1989.

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 212

VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART A: GENERAL

Section
212.100
212.110
212.111
212.112
212.113

Scope and Organization
Measurement Methods
Abbreviations and Units
Definitions
Incorporations by Reference

SUBPART B: VISIBLE EMISSIONS

Section
212.121
212.122
212.123
212.124
212.125
212.126

Opacity Standards
Limitations for Certain New Sources
Limitations for All Other Sources
Exceptions
Determination of Violations
Adjusted Opacity Standards Procedures

SUBPART D: PARTICULATE MATTER EMISSIONS FROM INCINERATORS

Section
212.181
212.182
212.183
212.184
212.185

Limitations for Incinerators
Aqueous Waste Incinerators
Certain Wood Waste Incinerators
Explosive Waste Incinerators
Continuous Automatic Stoking Animal Pathological Waste Incinerators

SUBPART E: PARTICULATE MATTER EMISSIONS FROM
FUEL COMBUSTION EMISSION SOURCES

Section
212.201
212.202

Existing Sources Using Solid Fuel Exclusively Located in the Chicago Area
Existing Sources Using Solid Fuel Exclusively Located Outside the Chicago Area

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212.203 Existing Controlled Sources Using Solid Fuel Exclusively

212.204 New Sources Using Solid Fuel Exclusively
212.205 Existing Coal-fired Industrial Boilers Equipped with Flue Gas Desulfurization Systems

212.206 Sources Using Liquid Fuel Exclusively
212.207 Sources Using More Than One Type of Fuel
212.208 Aggregation of Existing Sources
212.209 Village of Winnetka Generating Station

SUBPART K: FUGITIVE PARTICULATE MATTER

Section
212.301
212.302
212.304
212.305
212.306
212.307
212.308
212.309
212.310
212.312
212.313
212.314
212.315

Fugitive Particulate Matter
Geographical Areas of Application
Storage Piles
Conveyor Loading Operations
Traffic Areas
Materials Collected by Pollution Control Equipment
Spraying or Choke-Feeding Required
Operating Program
Minimum Operating Program
Amendment to Operating Program
Emission Standard for Particulate Collection Equipment
Exception for Excess Wind Speed
Covering for Vehicles

SUBPART L: PARTICULATE MATTER EMISSIONS
FROM PROCESS EMISSION SOURCES

Section
212.321
212.322
212.323

New Process Sources
Existing Process Sources
Stock Piles

SUBPART N: FOOD MANUFACTURING

Section
212.361

Corn Wet Milling Processes

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL
AND CHEMICAL MANUFACTURING

Section
212.381

Catalyst Regenerators of Fluidized Catalytic Converters

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Illustration C Limitations for all Existing Process Emission Sources

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1010 and 1027)

SOURCE: Adopted as Chapter 2: Air Pollution, Rules 202 and 203: Visual and Particulate Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-15, 32 PCB 403, at 3 Ill. Reg. 5, p. 798, effective February 3, 1979; amended in R78-10, 35 PCB 347, at 3 Ill. Reg. 39, p. 184, effective September 28, 1979; amended in R78-11, 35 PCB 505, at 3 Ill. Reg. 45, p. 100, effective October 26, 1979; amended in R78-9, 38 PCB 411, at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; amended in R79-11, 43 PCB 481, at 5 Ill. Reg. 11590, effective October 19, 1981; codified at 7 Ill. Reg. 13591; amended in R82-1 (Docket A) at 10 Ill. Reg. 12637, effective July 9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective October 7, 1986; amended in R84-48 at 10 Ill. Reg. 691, effective December 18, 1986; amended in R82-1 (Docket B) at 1410, effective December 30, 1986; amended in R89-7(B) 12 Ill. Reg. 12492, effective July 13, 1988; amended in R89-7(B) at _____, effective _____.

Section 212.205 Existing Coal-fired Industrial Boilers Equipped with Flue Gas Desulfurization Systems

Notwithstanding Sections 212.201 through 212.204, no person shall cause or allow the emission of particulate matter into the atmosphere from existing coal-fired industrial boilers equipped with flue gas desulfurization systems to exceed 0.39 kg of particulate matter per MW-hr of actual heat input in any one-hour period (0.25 lbs/MMBtu). Nothing in this rule shall be construed to prevent compliance with applicable regulations in 35 Ill. Adm. Code 230- promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 U.S.C. 7411) as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES... ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111 1/2, PAR. 1009.1(b)).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART R: PRIMARY AND FABRICATED METAL PRODUCTS AND MACHINERY MANUFACTURE

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SUBPART Q: STONE, CLAY, GLASS AND CONCRETE MANUFACTURING

Section 212.421 New Portland Cement Processes
212.422 Portland Cement Manufacturing Processes

SUBPART R: PRIMARY AND FABRICATED METAL PRODUCTS AND MACHINERY MANUFACTURE

Section 212.441 Steel Manufacturing Processes
212.442 Beehive Coke Ovens
212.443 By-product Coke Plants
212.444 Sinter Processes
212.445 Blast Furnace Cast Houses
212.446 Basic Oxygen Furnaces
212.447 Hot Metal Desulfurization Not Located in the BOF
212.448 Electric Arc Furnaces
212.449 Argon-Oxygen Decarburization Vessels
212.450 Liquid Steel Charging
212.451 Hot Scarfing Machines
212.452 Measurement Methods
212.453 Highlines on Steel Mills
212.455 Certain Small Foundries
212.456 Certain Small Iron-melting Air Furnaces
212.457

SUBPART S: AGRICULTURE

Section 212.461 Grain Handling and Drying in General
212.462 Grain Handling Operations
212.463 Grain Drying Operations

SUBPART T: CONSTRUCTION AND WOOD PRODUCTS

Section 212.681 Grinding, Woodworking, Sandblasting and Shotblasting

Appendix A Rule into Section Table
Appendix B Section into Rule Table
Appendix C Past Compliance Dates

Illustration A Allowable Emissions from Solid Fuel Combustion Emission Sources Outside Chicago
Illustration B Limitations for all New Process Emission Sources

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Section 212.443 By-Product Coke Plants

a) Subpart B shall not apply to by-product coke plants.

b) Charging:

1) Uncaptured Emissions

A) No person shall cause or allow the emission of visible particulate matter from any coke oven charging operation, from the introduction of coal into the first charge port, as indicated by the first mechanical movement of the coal feeding mechanism on the larry car, to the replacement of the final charge port lid for more than a total of 125 seconds over 5 consecutive charges; provided however that 1 charge out of any 20 consecutive charges may be deemed an uncountable charge at the option of the operator.

B) Compliance with the limitation set forth in subsection (A) shall be determined in the following manner:

- i) Observation of charging emissions shall be made from any point or points on the top side of a coke oven battery from which a qualified observer can obtain an unobstructed view of the charging operation.
- ii) The qualified observer shall time the visible emissions with a stopwatch while observing the charging operation. Only emissions from the charge port and any part of the larry car shall be timed. The observation shall commence as soon as coal is introduced into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car and shall terminate when the last charge port lid has been replaced. Simultaneous emissions from more than one emission

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point shall be timed and recorded as one emission and shall not be added individually to the total time.

iii) The qualified observer shall determine and record the total number of seconds that charging emissions are visible during the charging of coal to the coke oven.

iv) For each charge observed, the qualified observer shall record the total number of seconds of visible emissions, the clock time for the initiation and completion of the charging operation and the battery identification and oven number.

v) The qualified observer shall not record any emissions observed after all charging port lids have been firmly seated following removal of the larry car, such as emissions occurring when a lid has been temporarily removed to permit spilled coal to be swept into the oven.

vi) In the event that observations from a charge are interrupted the data from the charge shall be invalidated and the qualified observer shall note on his observation sheet the reason for invalidating the data. The qualified observer shall then resume observation of the next consecutive charge or charges and continue until a set of five charges has been recorded. Charges immediately preceding and following interrupted observations shall be considered consecutive.

2) Emissions from Control Equipment

A) Emissions of particulate matter from control equipment used to capture emissions during charging shall not exceed 0.046 gm/dscm (0.020 gr/dscf). Compliance shall be determined in accordance with the procedures set forth in 35

iii- Adm- Code 230-Appendix A +40 CFR 60,

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Appendix A, Methods 1-5† as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 U.S.C. 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

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THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

c) Pushing:

1) Uncaptured Emissions

B) The opacity of emissions from control equipment shall not exceed an average of 20%, averaging the total number of readings taken. Opacity readings shall be taken at 15-second intervals from the introduction of coal into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car to the replacement of the final charge port lid. Compliance, except for the number of readings required, shall be determined in accordance with 35 ~~iii~~-Adm- Code 230-Appendix A †40 CFR 60, Appendix A, Method 9†, except for the number of readings required, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

C) Opacity readings of emissions from control equipment shall be taken concurrently with observations of fugitive particulate matter. Two qualified observers shall be required.

3) Qualified observers referenced in subsection (b) shall be certified pursuant to 35 ~~iii~~-Adm- Code 230-Appendix A †40 CFR 60, Appendix A, Method 9,† as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended.

A) Emissions of fugitive particulate matter from pushing operations shall not exceed an average of 20% opacity for 4 consecutive pushes considering the highest average of six consecutive readings in each push. Opacity readings shall be taken at 15-second intervals, beginning from the time the coke falls into the receiving car or is first visible as it emerges from the coke guide, whichever occurs earlier, until the receiving car enters the quench tower or quenching device. For a push of less than 90 seconds duration, the actual number of 15-second readings shall be averaged.

B) Opacity readings shall be taken by a qualified observer located in a position where the oven being pushed, the coke receiving car and the path to the quench tower are visible. The opacity shall be read as the emissions rise and clear the top of the coke battery gas mains. The qualified observer shall record opacity readings of emissions originating at the receiving car and associated equipment and the coke oven, including the standpipe on the coke side of the oven being pushed. Opacity readings shall be taken in accordance with the procedures set forth in 35 ~~iii~~-Adm- Code 230-Appendix A †40 CFR 60, Appendix A, Method 9, except that Section 2.5 for data reduction shall not be used. The qualified observer referenced in this subsection shall be certified pursuant to 35 ~~iii~~-Adm- Code 230-Appendix A †40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S.

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Environmental Protection Agency under Section 111 of the Clean Air Act (42 U.S.C. 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

2) Emissions from Control Equipment

- A) The particulate emissions from control equipment used to control emissions during pushing operations shall not exceed 0.040 pounds per ton of coke pushed. Compliance shall be determined in accordance with the procedures set forth in 95 ~~III~~ ~~Adm~~ ~~Code~~ 230-Appendix A (40 CFR 60, Appendix A, Methods 1-5, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 U.S.C. 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)). and Compliance shall be based on an arithmetic average of three runs (stack tests) and the calculations shall be based on the duration of a push as defined in subsection (c)(1)(A).

- B) The opacity of emissions from control equipment used to control emissions during pushing operations shall not exceed 20%. For a push of less than six minutes duration, the actual number of 15-second readings taken shall be averaged. Compliance shall be determined in accordance with 95 ~~III~~ ~~Adm~~ ~~Code~~ 230-Appendix A (40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 U.S.C. 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO

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STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)). except that Section 2.5 of 40 CFR 60, Appendix A, Method 9 for data reduction shall not be used for pushes of less than six minutes duration.

d) Coke Oven Doors:

- 1) No person shall cause or allow visible emissions from more than 10% of all coke oven doors at any time. Compliance shall be determined by a one pass observation of all coke oven doors on any one battery.
- 2) No person shall cause or allow the operation of a coke oven unless there is on the plant premises at all times an adequate inventory of spare coke oven doors and seals and unless there is a readily available coke oven door repair facility.

- e) Coke Oven Lids: No person shall cause or allow visible emission from more than 5% of all coke oven lids at any time. Compliance shall be determined by a one pass observation of all coke oven lids.

- f) Coke Oven Offtake Piping: No person shall cause or allow visible emissions from more than 10% of all coke oven offtake piping at any time. Compliance shall be determined by a one pass observation of all coke oven offtake piping.

- g) Coke Oven Combustion Stack: No person shall cause or allow the emission of particulate matter from a coke oven combustion stack to exceed 110 mg/dscm (0.05 gr/dscf).

- h) Quenching: All coke oven quench towers shall be equipped with grit arrestors or equipment of comparable effectiveness. The make-up water shall not directly include coke by-product plant effluent. Total dissolved solids concentrations in the make-up water shall not exceed 1500 mg/l. Provided however that the limitations on the quality of quench make-up water shall not apply

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where the operator employs an equivalent method of control as determined by the Agency.

- i) Work Rules: No person shall cause or allow the operation of a by-product coke plant except in accordance with operating and maintenance work rules approved by the Agency.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.155
Proposed Action: Amendment
- 4) Statutory Authority: Sections 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-4 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that the amount of the community spouse maintenance needs standards shall be increased for calendar years after 1989 by the same percentage as the consumer price index for all urban consumers.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.9	Amendment	January 18, 1991 (15 Ill. Reg. 384)
113.141	Amendment	December 14, 1990 (14 Ill. Reg. 19581)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Department of Public Aid, Jesse B. Harris Bldg. II, 3rd Fl., 100 South Grand Avenue East, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 1111.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: CHILD SUPPORT ENFORCEMENT

- 2) Code Citation: 89 Ill. Adm. Code 160

- 3) Section Numbers: Proposed Action:

160.5 Amendment
160.10 Amendment
160.20 Amendment

- 4) Statutory Authority: Sections 5-2, 10-1 thru 10-19 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-2, 10-1 thru 10-19 and 12-13)

- 5) A Complete Description of the Subjects and Issues

Involved: This rulemaking defines Social Security Act Title XIX terms that are applicable to the Child Support Enforcement program. It also adds children receiving AFDC MANG to the list of "IV-D cases". In addition, whenever a family ceases to receive AFDC MANG, IV-D services will be continued without filing a new application if the family previously received AFDC cash assistance. If the family did not previously receive AFDC cash assistance, and no longer receives AFDC MANG, an application must be filed with the Department in order to continue IV-D services.

- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date?
Yes X No

- 8) Do these Proposed Amendments contain incorporations by reference? No

- 9) Are there any other Proposed Amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Mark Iocca, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section	
160.1	Incorporation By Reference
160.5	Definitions
160.10	Child Support Enforcement Program
160.20	Assignment of Rights to Support

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section	
160.30	Cooperation With Support Enforcement Program
160.35	Good Cause For Failure to Cooperate With Support Enforcement
160.40	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45	Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section	
160.60	Establishment of Support Obligations
160.65	Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section	
160.70	Enforcement of Support Orders
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SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

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SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

- Section
160.100 Distribution Of Child Support For AFDC Recipients
160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments
160.132 Distribution Of Child Support for Non-AFDC Clients
160.134 Distribution Of Child Support For Interstate Cases
160.136 Distribution Of Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution Of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days;

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amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section 160.5 Definitions

"AFDC" refers to the Aid to Families with Dependent Children Program, Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) that is financial and medical assistance available to families with one or more dependent children or on behalf of dependent children in foster care under the guardianship of the Department of Children and Family Services.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 U.S.C. 1396k) that is medical assistance to families and individuals wherein no cash payment is made.

"AFDC MANG" refers to Medical Assistance No Grant cases in which medical assistance only, is available to families with one or more dependent children.

"AFDC recipient" refers to a person who is receiving financial and medical assistance under the AFDC program in the current month.

"AFDC MANG recipient" refers to a member of a family with one or more dependent children receiving medical assistance only in the current month.

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 U.S.C. 1396k and Section 10-1 of the Illinois Public Aid Code.

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of

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Section 160.5 Definitions (Cont'd)

AFDC benefits, pursuant to 42 U.S.C. 602(a)(26)(A) and Section 10-1 of The Illinois Public Aid Code (Ill. Rev. Stat.-1987, 1982 ch. 23, par. 10-1).

"Cancellation" refers to the discontinuance of AFDC financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 U.S.C. 654).

"Family Support Information System" or "FSIS" refers to the data processing system used to process all IV-D cases in Illinois.

"IV-D account receivable" or "support account" refers to a part of the accounting system in FSIS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 U.S.C. 651 et seq. and this Part of the Department administrative rules.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the FSIS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 U.S.C. 654).

Section 160.5 Definitions (Cont'd)

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"Unreimbursed AFDC" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed AFDC", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance" accrued prior to the AFDC cancellation, reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 160.10 Child Support Enforcement Program

a) Under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:

- 1) children receiving AFDC;
- 2) children receiving AFDC MANG;
- 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.);
- 4) a spouse or former spouse when the former spouse/spouse lives with the child;
- 5) former AFDC recipients following AFDC cancellation pursuant to subsection (g) below;
- 6) persons not receiving AFDC, AFDC MANG, or Foster

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Section 160.10 Child Support Enforcement Program (Cont'd)

Care Services under Title IV-E upon application to the Department for such services; and

- 6) persons similarly situated to subsections (1) through (5)(6) above and receiving Title IV-D support services in other states.

- b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.

- c) The Division of Child Support Enforcement has sole responsibility for:
 - 1) identifying and locating the absent parent;
 - 2) establishing the parentage of a child born out of wedlock;
 - 3) establishing support obligations;
 - 4) enforcing and collecting support;
 - 5) receiving and distributing support payments;
 - 6) maintaining accurate records of location and support activities; and
 - 7) advising the local office of circumstances which may affect the family's eligibility for AFDC or AFDC MANG (e.g., the father is living in the home, or a child no longer lives in the home, etc.).

- d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.

- e) The Department shall explain to each AFDC applicant or recipient his/her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.

- f) Whenever a family ceases to receive AFDC cash assistance, the Department shall notify the family

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Section 160.10 Child Support Enforcement Program (Cont'd)

that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (e.g., filing fees) and distribution policies (45 CFR 302.33(d) and 303.7(d)(4) and (5)(1989)).

- g) Whenever a family ceases to receive AFDC MANG assistance:
 - A) if the family previously received AFDC cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) above, or
 - B) if the family did not previously receive AFDC cash assistance, IV-D services shall be continued upon application to the Department, as stated in paragraph a)6) of this section.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 160.20 Assignment of Rights to Support

- a) BY ACCEPTING ASSISTANCE-FINANCIAL AID UNDER THE AFDC-PROGRAM PUBLIC AID CODE, A SPOUSE OR A PARENT OR OTHER PERSON HAVING CUSTODY OF A CHILD SHALL BE DEEMED TO HAVE MADE ASSIGNMENT TO THE DEPARTMENT OF ANY AND ALL RIGHTS, TITLE, AND INTEREST IN ANY SUPPORT OBLIGATIONS UP TO THE AMOUNT OF ASSISTANCE PROVIDED. THE RIGHTS TO SUPPORT ASSIGNED TO THE DEPARTMENT SHALL CONSTITUTE AN OBLIGATION OWED TO THE STATE BY THE PERSON WHO IS RESPONSIBLE FOR PROVIDING THE SUPPORT, AND SHALL BE COLLECTIBLE UNDER ALL APPLICABLE PROCESSES (Section 10-1 of the Illinois Public Aid Code, (Ill. Rev. Stat. 1985, 1989 ch. 23, par. 10-1)).

- b) For an explanation of assignment of medical support see 89 Ill. Adm. Code 112.54, Assignment of Medical Support Rights and also 89 Ill. Adm. Code 120.319.

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Section 160.20 Assignment of Rights to Support (Cont'd)
Assignment of Rights to Medical Support and Collection
of Payments.

(Source: Amended at 15 Ill. Reg. —, effective —)

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NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: DEVELOPMENTAL DISABILITIES SERVICES

2) Code Citation: 89 Ill. Adm. Code 144

3) Section Number: Proposed Action:

144.275

Amendment

4) Statutory Authority: Sections 5-5 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved: Because of federal interpretation of their own regulations, the Department is changing the manner in which reimbursement is made for certain dental services provided to adults in ICF/MR facilities. Rather than paying dentists directly, the Department will include the cost of such services in affected facilities' rates. The facilities in turn will reimburse dentists for these services. The increase in rates paid nursing facilities as a result of this rulemaking is estimated to increase the Department's aggregate expenditures for facilities by \$500,000.00 in Fiscal Year 1991.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Dan Leikvold, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written

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comments it receives within 30 days of the date of publication of this notice.

Interested parties can review the rules pertaining to this change at the Department of Public Aid's local office located in each county, except in Cook County, where the rules can be reviewed at the Director's Office, 624 South Michigan Avenue, 13th Floor, Chicago, Illinois. The rule can be reviewed at all offices Monday through Friday, 8:30 a.m. until 5:00 p.m..

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 15, 1991
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 144

DEVELOPMENTAL DISABILITIES SERVICE

Section	
144.1	Incorporation by Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities
144.50	Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities
144.75	Comprehensive Functional Assessments and Reassessments
144.100	Interdisciplinary Team (IDT)
144.105	Individual Program Plan (IPP)
144.125	Specialized Care - Behavior Development Programs
144.150	Specialized Care - Health and Sensory Disabilities
144.175	Functional Needs
144.200	Service Needs - Medical Care
144.205	Service Needs - Medical and Therapy Services
144.225	Individual Rights
144.250	Discharge Planning/Maximum Growth Potential Plan
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
144.TABLE B	Staff Intensity Scale
144.TABLE C	IPP Outcomes
144.TABLE D	Guidelines for Determining Levels of Functioning
144.TABLE E	Standardized Adaptive Functional Assessment

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective

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Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd.)

Section 144.275

October 29, 1990; amended at 15 Ill. Reg. _____, effective ____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities

Residential facilities, including distinct parts of facilities, for clients with developmental disabilities (ICF/MR certification with licensure for ICF/DD, ICF/DD-15, SLC, and ICF/MR-SNF/PED license), excluding state operated facilities for individuals with developmental disabilities, will be reimbursed for an active treatment program for each client. Facility program reimbursement levels will be derived from the following four determinants which in combination will result in a total facility program per diem amount. These four determinants will be determined according to information provided in the most recent Inspection of Care (IOC) conducted by Department survey staff. This IOC information must be validated by the survey staff prior to utilization for payment purposes. The new reimbursement level will be effective on the first day of the quarter following a facility's IOC. Where dollar, wage, or salary amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

a) Minimum Staffing

- 1) Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR 442.430) minimum average daily staffing standards relative to client population according to each individual's overall level of functioning:

Overall Level of Functioning	FTE* Staff : Client Ratio
Mild	1:5
Moderate	1:2.5
Severe or Profound	1:2

*FTE = Full Time Equivalent

- A) Determination of levels of functioning of clients with mental retardation and related

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Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd.)

Section 144.275

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Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd.)

Section 144.275

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Overall Level of Functioning	FTE* Staff : Client Ratio
Mild	1:5
Moderate	1:2.5
Severe or Profound	1:2

*FTE = Full Time Equivalent

- A) Determination of levels of functioning of clients with mental retardation and related

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Section 144.275

Reimbursement for Program (Active Treatment)
Costs in Residential Facilities for Clients
with Developmental Disabilities (Cont'd.)

- C) The amount for Direct Services for these staffing ratios shall be obtained by:

i) determining the number of clients within each overall level of functioning; dividing each number by the client component of the staff; client ratio; summing these quotients; multiplying the sum by the aide hourly wage factor, and then by 2080 (52 weeks times 40 hours per week), to obtain a total annual Direct Service cost; and dividing this total by 365 days and then by the number of clients to obtain the amount for Direct Services per client per day. For example, if a facility serves 40 clients in the mild level of functioning, 30 clients in the moderate level of functioning, and 30 clients in the severe/profound level of functioning, the number of FTE Direct Services staff will be (40 divided by 5) + (30 divided by 2.5) + (30 divided by 2) = 35. If the aide hourly wage is \$5.00, the total annual cost will be 35 x \$5 x 2080 = \$364,000. The amount for FTE Direct Services per client per day will then be \$364,000 divided by 365 divided by 100 = \$9.97.

ii) In ICF/DD-15 facilities, the foregoing calculation is modified such that in step 2 of subsection (i) above, the facility may receive an amount for up to an additional .5 FTE Direct Service is determined by multiplying .5 FTE by the proportion found by the ratio of the number of Medicaid eligible clients in the severe/profound level of functioning divided by the total number of eligible clients.

- 2) Licensed Nurses - Facilities must be in compliance with HCFA (42 CFR 483.460) and Illinois Department of Public Health (IDPH) (77

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Reimbursement for Program (Active Treatment)
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with Developmental Disabilities (Cont'd.)

Ill. Adm. Code 350.1230) staffing standards relative to facility type.

- A) Average facility population in an ICF/DD or SLC, but excluding ICF/DD-15, is assumed to be ninety (90) clients. An ICF/DD or SLC with a population of ninety (90) or fewer clients will be reimbursed for a minimum of 4.8 FTE nurses. A facility with a population which is greater than ninety (90) clients will be reimbursed for additional FTE nurses according to the following Table:

Facility Type	FTE Nurse	Client Ratio
ICF/DD, SLC and ICF/DD-15 (nurses required)		1:18.75
ICF/DD-15 (nurses not required)	0	

AGENCY NOTE: Licensed nurses are not required in an ICF/DD-15 if none of the residents require a physician's medical care plan of treatment.

- B) Average population in a facility providing skilled care is assumed to be thirty (30) clients. A facility with thirty (30) or fewer clients will be reimbursed for a minimum of 4.8 FTE nurses. A facility with a population which is greater than thirty (30) clients will be reimbursed for additional FTE nurses according to the following Table:

Facility Type	FTE Nurse	Client Ratio
ICF/MR licensed for skilled care (SNF/PED)		1:6.25

AGENCY NOTE: The Omnibus Reconciliation Act of 1987 (P.L. 100-203) requirements prohibit

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- C) An individual who holds at least a bachelor's degree in one of the following professional categories: Occupational Therapist; Physical Therapist; Psychologist; Master's Degree; Social Worker; Recreation Specialist; Registered Dietitian; and Human Services, including but not limited to Sociology, Special Education, Rehabilitation Counseling, and Psychology. (42 CFR 483.430)

- D) The amount for QMRPs assumes that a full-time QMRP is required for every fifteen (15) clients. The number of QMRPs shall be obtained by dividing the number of clients in the facility by fifteen (15). The obtained number of QMRPs is multiplied by the hourly wage factor and then by 2080. The product is divided by 365 and then by the number of clients to arrive at an amount per client per day.

2) Interdisciplinary Team (IDT)

- A) The amount for services rendered by the IDT assumes that each client requires one day of IDT services per year. This amount is computed to be \$1.82 per client per day.

- B) Interdisciplinary Team - A team which represents the professions, disciplines, or service areas that are relevant to identifying the client's needs and designing programs that meet the client's needs. Appropriate facility staff must participate in interdisciplinary team meetings. Participation by other agencies serving the client is required (Section 144.100 and 89 Ill. Adm. Code 140.647). Participation by the client, his or her parent (if the client is a minor), or the client's legal guardian is required unless the participation is unobtainable or inappropriate. (42 CFR 483.440)

- 3) Additional Direct Service Staff (ADSS)

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the admission of individuals with a primary diagnosis of mental retardation into non-ICF/MR facilities. Therefore, SNF/PED facilities which meet ICF/MR certification requirements must be certified ICF/MR by December 31, 1989, in order to comply with federal law when admitting individuals with mental retardation. Facilities which undergo certification conversion to ICF/MR may still retain State licensure for skilled care (SNF/PED). Facilities which are certified ICF/MR and licensed for SNF/PED services will be reimbursed for providing skilled care as indicated in the foregoing Table.

- C) The licensed nurse component is computed similarly to the method in subsection (a)(1)(B). The amount for Licensed Nurses for each facility type shall be obtained by dividing the number of clients in the facility by the client component of the nurse:client ratio, to obtain the required nursing staff. This amount is multiplied by the hourly nurse wage factor and then by 2080 (52 weeks x 40 hours). The product is divided by 365 and then by the number of clients.

- 3) The total reimbursement amount for Minimum Staffing is the sum of the amount for Direct Staff plus the amount for Licensed Nurses.

b) Active Treatment

- 1) Qualified Mental Retardation Professional (QMRP) - a person who has at least one year of experience working directly with persons with mental retardation or other developmental disabilities, and is one of the following:

- A) A doctor of medicine or osteopathy.
B) A registered nurse.

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Section 144.275

Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd.)

- A) The amount for ADSS assumes an FTE staff: client ratio of 1:7.5. The total number of clients is divided by 7.5, and a per diem amount is obtained according to the method described in subsection (a)(1)(B). In SLC facilities, the foregoing calculation is modified so that the overall level of functioning is distributed proportionately across each living unit (16-18 clients) in Step 1 of the calculation. If dividing the number of clients results in a fraction, it is rounded up to the next whole number in proportion to the number of clients in the severe/profound level of functioning. The total FTE is obtained by summing the calculation results from each living unit.

- B) Additional Direct Services Staff - Staff which is in addition to HCFA's minimum average daily staffing standards (subsection (a)(1)), and for which the Department will provide reimbursement to ensure the delivery of active treatment. Examples of ADSS include, but are not limited to, staff who provide activity services, dietetic aides, and music therapists.

- 4) The total reimbursement amount for Active Treatment is the sum of the amounts for QMRP, IDT and ADSS.

- c) Specialized Care - An additional amount will be paid for clients meeting the requirements for services under Specialized Care. Detailed descriptions of services under Specialized Care are found in Section 144.125 Specialized Care - Behavior Development Programs, and Section 144.150, Specialized Care - Health and Sensory Disabilities. The service level for each client meeting the criteria of more than one Level under Specialized Care will be determined according to his/her disability or functional deficit which represents the most intense need for services under Specialized Care, and results in the greatest reimbursement.

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Section 144.275

Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd.)

- 1) Specialized Care-Behavior Development Programs - Behavior development programs are related to maladaptive behaviors which occur with high frequency and/or great severity, and are instituted for the reduction of maladaptive behaviors and/or the increase of adaptive behaviors. The behavior development program must demonstrate the need for and use of a more intensive staffing pattern (direct care staff) than the regular pattern which is reimbursed for under subsection (a)(1). The service level for a client who meets the requirements for services under Specialized Care-Behavior Development Programs will be identified and validated during the most recent IOC.

- A) Level I - .5 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with high frequency but moderate severity, such as verbal abuse one or more times per 4 hours which is hostile in tone and content.

- B) Level II - 1.0 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with high frequency and are aggressive or destructive, such as purposeful attacks of others which may result in minimal injuries, one or more times per day.

- C) Level III - 2.0 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with very high frequency such as hyperactivity one or more times per minute, or occur with high frequency and are seriously aggressive, assaultive or destructive and which may result in serious injury.

- 2) Specialized Care-Health and Sensory Disabilities - Specialized services for health and sensory disabilities refer to care which some clients must receive in order to attain physical health and development.

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Section 144.275

Reimbursement for Program (Active Treatment)
Costs in Residential Facilities for Clients
with Developmental Disabilities (Cont'd.)

A) Definitions

- i) Ambulatory-The client is capable of walking without assistance or the aid of adaptive equipment or devices.
- ii) Mobile Nonambulatory-The client is capable of locomotion with mobility assistance such as adaptive equipment or devices.
- iii) Nonmobile-The client is not capable of locomotion even with mobility assistance.

B) Level I - .5 hours FTE Direct Service per day. The client is ambulatory, mobile nonambulatory or has the potential to become mobile nonambulatory, and requires services to compensate for a sensory deficit (auditory or visual), or services enabling him/her to be mobile (physical disabilities).

- i) Sensory deficits-visual. The client's vision is 20/200 or less in the better eye with the greatest possible correction (Ill. Rev. Stat. 1989, ch. 23, pars. 3332).

ii) Sensory deficits-auditory. The client has a hearing impairment of at least fifty-five (55) decibels in the better ear, unaided (89 Ill. Adm. Code 585.400 (b)(1)(B)).

iii) Physical disabilities means physical impairments which result in functional deficits requiring the client to receive training in the use of a device or devices, to achieve some level of independent mobility.

C) Level II - 1.0 hours FTE Direct Service per day. The client is nonmobile, or mobile nonambulatory, requires mobility assistance,

Reimbursement for Program (Active Treatment)
Costs in Residential Facilities for Clients
with Developmental Disabilities (Cont'd.)

requires services to meet high personal care needs. The client may also have significant daily medical needs and/or dual sensory deficits (visual and auditory).

- i) Mobility assistance means assistance in transferring from a bed to an alternative position device, and assistance with movement/mobility around the facility.

ii) High personal care means one or more of the following: assistance with bathing, clothing, grooming and hygiene, eating and continence; position changes at two hour intervals, or as specified in the individual program plan; range of motion twice a day, or as specified in the individual program plan.

iii) Daily medical need means daily insulin injections, drug (insulin) monitoring, and/or ostomy care for a jejunostomy, ileostomy or colostomy.

iv) Dual sensory deficits means both an auditory disability and a visual disability.

AGENCY NOTE: Level II services require that a client meets the criteria for mobility assistance and high personal care. A client who also meets the medical need criteria and/or the dual sensory deficit criteria is eligible for the FTE nurse : client ratio for skilled care, according to subsection (a)(2)(B).

D) Level III - 2.0 hours FTE Direct Service per day. The client is typically nonmobile or mobile nonambulatory, but may be ambulatory, and requires services to meet high medical needs. High medical needs mean one or more of the following:

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Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd.)

- i) daily intermittent catheterization;
 - ii) care for wounds including stage III and IV decubitus ulcers, deep wounds, infected wounds, extensive burns, or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations;
 - iii) respiratory care including tracheotomy care, positive pressure breathing treatments, aerosol therapy, postural drainage and percussion, vibration and/or suctioning;
 - iv) feeding via nasogastric tube, or prolonged oral feeding; and
 - v) intensive physical habilitation due to a functional deficit as determined by physical or psychological causes.
- 3) The total reimbursement amount for Specialized Care shall be the sum of the amounts determined under subsection (c)(1) and (2), pro-rated over the number of eligible clients identified in the most recent facility reimbursement survey. For example, if the hourly wage factor is \$5.00, assume a facility of 10 residents, two of whom meet the criteria for Specialized Care-Health and Sensory Disabilities Level II (c)(2)(C) with no daily medical needs, or sensory deficits, and eight of whom do not meet Specialized Care criteria. The facility will receive an amount of \$.81 per client per day (2 hours x 1.14 (FTE adjustment factor) divided by 8 hours/day = .285 staff; then .285 x (2080 hours/year divided by 365 days/year); then divide by 10 clients and multiply by \$5.00 to obtain \$0.81).

d) Related Costs

- 1) An amount per client per day will be paid for other program costs, including program - related

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- 2) For each facility type, this amount will be determined as follows. Add the amounts determined for subsections (a), (b) and (c), but excluding the amount for the IDT (subsection (b)(2)), and then multiply this sum by the facility's Health Service Area (HSA) grouping (89 Ill. Adm. Code 140. Table B and 89 Ill. Adm. Code 140. Table J). The product plus the amount for the IDT (subsection (b)(2)), is then multiplied by a constant for the facility type, as follows:

Facility Type	Constant
ICF/DD	.10
SNF/PED	.15
ICF/DD-15 & SLC	.20

- 3) An amount will also be paid for dental services which are in compliance with HCFA's regulations (42 CFR 483.460(e)(f)(g)), for each client age 21 or more. This amount will be determined by adding the flat per diem of \$0.16 to the amount calculated according to subsection (d)(2) above. This per diem will cover the costs of prophylaxis treatment up to once every six (6) months, and periodontal services as needed for each eligible client.
- e) Total Program Per Diem - Total program per diem for each facility will be the sum of the amounts from subsections (a), (b), (c) and (d).

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Bldg. II, 3rd Flr., 100 South Grand Avenue East, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date Proposed Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 15, 1991

B) Types of small businesses affected: Pharmacies and other providers who prescribe and/or dispense the drugs which are included in the Drug Manual.

C) Reporting, bookkeeping or other procedures required for compliance: Small businesses must be familiar with the Department's procedures for billing, securing approval and receiving payment for drugs which are covered under the Medical Assistance Program.

D) Types of professional skills necessary for compliance: No additional professional skills required.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appear in this issue of the Register on page 1121.

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NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: DRUG MANUAL

2) Code Citation: 89 Ill. Adm. Code 141

3) Section Numbers: Proposed Action:

141.560 Amendment
141.680 Amendment
141.760 Amendment
141.1125 Amendment
141.1200 Amendment
141.1240 Amendment
141.1520 Amendment
141.1840 Amendment
141.1880 Amendment
141.2040 Amendment
141.2400 Amendment
141.2520 Amendment
141.2640 Amendment
141.2920 Amendment
141.3320 Amendment
141.3560 Amendment
141.3600 Amendment
141.3640 Amendment
141.3720 Amendment
141.3800 Amendment
141.4240 Amendment
141.4360 Amendment
141.4520 Amendment
141.4560 Amendment
141.4680 Amendment

4) Statutory Authority: Sections 5-5.16 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.16 and 12-13) and Section 5.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, Ch. 127, Par. 1005.02)

5) A Complete Description of the Subjects and Issues Involved: With this rulemaking the Department makes several additions and deletions to various therapeutic categories of the Drug Manual.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

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1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:

120.319 Amendment
120.320 Amendment
120.321 Amendment
120.322 Amendment
120.323 Amendment

4) Statutory Authority: Sections 5-2.2, 10-1 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-2.2, 10-1 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the provisions regarding the assignment to the Department of medical support rights by persons accepting medical assistance. In addition, the rulemaking adds a provision that any suspension of activities to establish paternity or medical support payments will be in accordance with 89 Ill. Adm. Code 160.45. Technical citation corrections due to recodification are also being made.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

120.61 Amendment January 11, 1991
(15 Ill. Reg. 159)

120.72 Amendment January 11, 1991
(15 Ill. Reg. 159)

120.74 Amendment January 11, 1991
(15 Ill. Reg. 159)

Section Numbers Proposed Action Illinois Register Citation

120.386 Amendment January 11, 1991
(15 Ill. Reg. 159)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Mark Iocca, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10
120.11

Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant
Women and Children Under Age Six Who Do Not Qualify
As Mandatory Categorically Needy
MANG(AABD) Income Standard
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard

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120.30
120.31
120.40
120.50

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled
Nursing Care, DMHDD, DMHDD Approved Community Based
Settings and Pregnant Women and Children Under Age
Six Who Do Not Qualify As Mandatory Categorically
Needy

Cases in Intermediate Care, Skilled Nursing Care and
DMHDD - MANG(AABD) and All Other Licensed Medical
Facilities and All Other Licensed Medical Facilities
Department of Mental Health and Developmental
Disabilities (DMHDD) Approved Home and Community
Based Residential Settings Under 89 Ill. Adm. Code
140.643

Department of Mental Health and Developmental
Disabilities (DMHDD) Approved Home and Community
Based Residential Settings

Pregnant Women and Children Under Age Six Years Who
Do Not Qualify As Mandatory Categorically Needy

120.61

120.62

120.63

120.64

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SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70

Supplementary Medical Insurance Benefits, Buy-In
Program

120.72

Eligibility for Medicare Cost Sharing as a Qualified
Medicare Beneficiary (QMB)

120.74

Qualified Medicare Beneficiary (QMB) Income Standard
Hospital Insurance Benefits (HIB)

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SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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120.90
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Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

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Client Cooperation

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Residence

Age

Relationship

Living Arrangement

Supplemental Payments

Institutional Status

Foster Care Program

Social Security Numbers

Unearned Income

Exempt Unearned Income

Education Benefits

Unearned Income In-Kind

Earmarked Income

Lump Sum Payments and Income Tax Refunds

Protected Income

Earned Income

Budgeting Earned Income

Exempt Earned Income

Recognized Employment Expenses

Income From Work/Study/Training Program

Earned Income From Self-Employment

Earned Income From Roomer and Boarder

Earned Income In-Kind

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120.276	Payments from the Illinois Department of Children and Family Services
120.280	Assets
120.281	Exempt Assets
120.282	Asset Disregards
120.283	Deferral of Consideration of Assets
120.284	Spend-down of Assets (AMI)
120.285	Property Transfers
120.290	Persons Who May Be Included in the Assistance Unit
120.295	Payment Levels for AMI

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section	
120.308	Client Cooperation
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120.310	Citizenship
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120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
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120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
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120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Foster Care Program
120.325	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
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120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Court Ordered Child Support Payments of Parent/Step-Parent
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.350	Lump Sum Payments and Income Tax Refunds

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120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
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120.376	Payments from the Illinois Department of Children and Family Services
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120.384	Spend-down of Assets (MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989
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120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Under Age Six
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395	Payment Levels for MANG
120.399	Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq, and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41,

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effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142,

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effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 18903, effective effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12

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Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 17004, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 15886, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.319 Assignment of Rights to Medical Support and Collection of Payment

- a) As-a-condition-of-eligibility-for-medical-assistance-an-applicant-is-required-to-assign-to-the-Department+
 1) his/her-rights-to-any-medical-support-available-under-a-court-or-administrative-order-and-any-

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Section 120.319 Assignment of Rights to Medical Support and Collection of Payment (Cont'd)

- third-party-payments-for-medical-care; and
 2) the-rights-of-any-other-individual-who-is-eligible-for-medical-assistance-and-on-whose-behalf-the-applicant-has-the-legal-authority-to-execute-an-assignment-of-such-rights.
 a) Assignment of Rights to Medical Support
 1) By accepting medical assistance under the Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, par. 5-2), a custodial relative, spouse, or a parent shall be deemed to have made assignment to the Department of any and all rights, title, and interest in any medical support obligations up to the amount of medical assistance provided (Ill. Rev. Stat. 1989, ch. 23, par. 10-1). The rights to medical support assigned to the Department shall constitute an obligation owed to the State by the person who is responsible for providing the support and is collectable under all available processes.

- 2) This right includes the rights of any individual or any other person who is eligible for medical assistance and on whose behalf the individual has the legal authority to execute an assignment of such rights, to support (specified as support for the purposes of medical care by a court or administrative order) and to a payment for medical care from any third party.

- b) To enforce and collect these payments, the State Medicaid agency may enter into cooperative agreements with the State IV-D agency (i.e., the Bureau-Division of Child Support Enforcement within the Department of Public Aid) and other appropriate agencies, courts and law enforcement officials, to assist in making collections.

- c) Amounts of medical support or third party payments collected under this assignment shall be retained by the Department as necessary, to reimburse the Department for medical assistance payments made on behalf of an individual for whom an assignment was executed. Any remaining amount of such collection

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Section 120.319 Assignment of Rights to Medical Support and Collection of Payment (Cont'd)

shall be paid to the individual who executed the assignment.

- d) When an individual is no longer receiving medical assistance the assignment of medical support rights terminates except for any medical support owed to the Department for the period of time medical assistance was issued.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support

- a) In accordance with 89 Ill. Adm. Code 160.30, as Amended, condition of eligibility for medical assistance a caretaker relative or spouse included in the assistance unit, who assigned to the Department his/her rights to medical support, shall cooperate with the Department in:

- 1) establishing the paternity of a child born out of wedlock, for whom the individual can legally assign rights; and
- 2) obtaining medical support and payments on his or her own behalf and on behalf of those persons for whom the client has assigned rights.

- b) Cooperating with the Department in establishing paternity and obtaining medical support payments includes:

- 1) appearing at such places as the Department's offices or the offices of the Department's legal representative, as necessary, to provide information or evidence, known to, possess by or reasonably obtainable by the client (e.g. identity/location of the legally responsible relative, or identity/location of a third party who has information regarding the legally responsible relative), or attest to the lack of information under penalty of perjury;

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Section 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support (Cont'd)

- 2) appearing and testifying as a witness at judicial proceedings;

- 3) paying to the Department any medical support payments or third party payments for medical care; and

- 4) taking any other reasonable steps to assist in establishing paternity and securing medical support and payments (e.g. signing legal documents (complaints), submitting to blood tests).

- c) 1) If the caretaker and his/her spouse are in the home and included in the assistance unit, both must comply with the cooperation requirements unless the Department determines the individual is exempt from cooperation for good cause. A caretaker relative or spouse who fails or refuses without good cause, to cooperate in establishing support rights--establishing paternity or securing medical support, shall be excluded from the medical assistance unit.

- 2) The remaining eligible assistance unit members, shall be authorized medical assistance through a representative payee, until such time as the person meets the cooperation requirement. A representative payee is a specified relative in all cases other than those listed in 89 Ill. Adm. Code 117.10.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support

- a) The Department shall inform the caretaker relative of his/her right to claim an exemption from cooperation, based on a claim of good cause.
- b) With respect to claiming good cause for exemption as not in the best interests of a child for whom an assignment was executed, the Department's Good Cause

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Section 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support (Cont'd)

policy at 89 Ill. Adm. Code-~~112-81~~ 160.35, shall apply.

- c) With respect to claiming good cause for exemption as not in the best interests of the caretaker relative or any individual other than the child for whom an assignment was executed, the Department's Good Cause policy at 89 Ill. Adm. Code-~~112-81~~ 160.35, apply excluding those parts applicable only to children.

(Source: Amended at 15 Ill. Reg. ____, effective ____)

Section 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support

- a) With respect to the caretaker relative proving/ documenting a claim of good cause as not in the best interest of the child, the Department's Proof of Good Cause policy at 89 Ill. Adm. Code-~~112-82~~ 160.40, shall apply.

- b) With respect to the caretaker relative proving/ documenting a claim of good cause as not in the best interest of a person other than a child, the Department's Proof of Good Cause policy at 89 Ill. Adm. Code-~~112-82~~ 160.40, shall apply, excluding those parts applicable only to children.

(Source: Amended at 15 Ill. Reg. ____, effective ____)

Section 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause

- a) Upon a caretaker relative's claim of good cause, the Department will suspend all activities to establish paternity or secure medical support payments, until a final determination is made on the good cause claim.

- b) The Department shall not undertake to establish paternity or secure medical support payments when the Department determines that good cause for exemption exists.

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Section 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause (Cont'd)

- c) This suspension shall be in accordance with 89 Ill. Adm. Code 160.45, Suspension of Child Support Enforcement Upon Finding of Good Cause.

(Source: Amended at 15 Ill. Reg. ____, effective ____)

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1) The Heading of the Part: MEDICAL PAYMENT2) Code Citation: 89 Ill. Adm. Code 1403) Section Numbers: Proposed Action:

140.16 Amendment
140.475 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 140.16

Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par. 12-13)

89 Ill. Adm. Code 140.475

Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved:

89 Ill. Adm. Code 140.16

This rulemaking clarifies 140.16 by adding suspension as an action that can be initiated by the Department (see existing 140.17).

89 Ill. Adm. Code 140.475

Three changes are proposed. The first provides clarification that Medicaid clients eligible for services from DORS or DSCC may be eligible for payment under Medicaid for medical equipment, supplies and prosthetic devices. This reflects current policy that DORS and DSCC are the payor of last resort in this area. The second changes the designation of ICF/DD to ICF/MR. The latter is a federal designation used in all other sections of our rules. Finally, the reference to State rule has been changed to federal regulation on the advice of Legal.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date?

Yes ☒ No ☐

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NOTICE OF PROPOSED AMENDMENTS

8) Do these Proposed Amendments contain incorporations by reference? No9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.17	Amendment	November 30, 1990 (14 Ill. Reg. 18982)
140.71	Amendment	December 21, 1990 (14 Ill. Reg. 20170)
140.413	Amendment	January 11, 1991 (15 Ill. Reg. _____)
140.457	Amendment	December 21, 1990 (14 Ill. Reg. 20170)
140.458	Amendment	December 21, 1990 (14 Ill. Reg. 20170)
140.459	Amendment	December 21, 1990 (14 Ill. Reg. 20170)
140.490	Amendment	December 7, 1990 (14 Ill. Reg. 19132)
140.523	Amendment	September 14, 1990 (14 Ill. Reg. 14681)
140.850	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140.855	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140.860	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140.865	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140.870	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140.875	Amendment	December 14, 1990 (14 Ill. Reg. 19592)

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Section Numbers	Proposed Action	Illinois Register Citation
140.880	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140.885	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140.890	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140.895	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140. Table K	Amendment	December 14, 1990 (14 Ill. Reg. 19592)
140. Table L	Amendment	December 14, 1990 (14 Ill. Reg. 19592)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

89 Ill. Adm. Code 140.16

Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Dan Leikvold, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

89 Ill. Adm. Code 140.475

Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Dan Leikvold, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

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12) Initial Regulatory Flexibility Analysis:

89 Ill. Adm. Code 140.16

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 2, 1991
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

89 Ill. Adm. Code 140.475

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 2, 1991
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendments begin on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
Covered Medical Services Under GA and AMI
Medical Services Not Covered
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Six
Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
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Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical Assistance Program
Recovery of Money
Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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Effect of Termination on Individuals Associated with Vendor
Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring Submittal of Claims
Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
Magnetic Tape Billings
Payment of Claims
Payment Procedures
Overpayment or Underpayment of Claims
Payment to Factors Prohibited
Assignment of Vendor Payments
Record Requirements for Medical Providers Audits
False Reporting and Other Fraudulent Activities
Prior Approval for Medical Services or Items
Prior Approval in Cases of Emergency
Limitation on Prior Approval
Post Approval for Items or Services When Prior Approval Cannot Be Obtained
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Drug Manual Updates (Recodified)

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Participation (Recodified)
General Requirements (Recodified)
Special Requirements (Recodified)
Covered Hospital Services (Recodified)
Hospital Services Not Covered (Recodified)
Limitation On Hospital Services (Recodified)
Transplants (Recodified)
Heart Transplants (Recodified)
Liver Transplants (Recodified)
Bone Marrow Transplants (Recodified)
Disproportionate Share Hospital Adjustments (Recodified)
Payment for Inpatient Services for GA (Recodified)
Hospital Outpatient and Clinic Services (Recodified)
Payment for Hospital Services During Fiscal Year 1982 (Recodified)
Payment for Hospital Services After June 30, 1982 (Repealed)

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140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; emergency amendment at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg.

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2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at

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10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 and 147.207 Table A and 147.208 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg.

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19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; emergency amendment at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508,

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effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. ²⁹⁸, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 532, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. —, effective —.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section 140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program

- a) The Department may terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program if it determines that, at any time prior to or subsequent to the effective date of these Rules:

- 1) Such vendor is not complying with the Department's policy or rules, or with the terms and conditions prescribed by the Department in any vendor agreement developed as a result of negotiations with the vendor category, or with the covenants contained in certifications bearing the vendor's signature on claims submitted to the Department by the vendor;
- 2) Such vendor is not properly licensed or qualified, or such vendor's professional license, certificate or other authorization has not been renewed or has been revoked, suspended or otherwise terminated as determined by the appropriate licensing, certifying or authorizing agency;
- 3) Violates records requirements
 - A) Such vendor has failed to keep or make available for inspection, audit or copying (including photocopying), after receiving a written request from the Department,
 - i) such records as are required to be maintained by the Department or as are necessary to fully disclose the extent of the services or supplies provided; or

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Section 140.16

Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program (Cont'd.)

- ii) such records as are required to be maintained by the Department regarding payments claimed for providing services.
- B) This Section does not require vendors to make available medical records of patients for whom services are not reimbursed under the Illinois Public Aid Code;
- 4) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services, or has failed to furnish all information required by the Department in connection with the rendering of services or supplies to recipients of public assistance by the vendor, his agent, employer or employee;
- 5) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the program. For purposes of this Section, statements or representations made "knowingly" shall include statements or representations made with actual knowledge that they were false as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause to be aware that the statements or representations were false when made;
- 6) Such vendor has submitted claims for services or supplies which were not rendered or delivered;
- 7) Such vendor has furnished goods or services to a recipient which, when based upon competent medical judgment and evaluation, are determined to be:
 - A) in excess of the recipient's needs,
 - B) harmful to the recipient (for the purpose of this Section, "harmful" goods or services caused actual harm to a recipient or placed

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Section 140.16

Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program (Cont'd.)

a recipient at risk of harm, or of adverse side effects which outweigh the medical benefits sought to be provided), or

C) of grossly inferior quality.

8) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either

A) was previously terminated from participation in the Medical Assistance Program; or

B) was a person with management responsibility for a previously terminated vendor during the time of conduct which was the basis for that vendor's termination from participation in the Medical Assistance Program; or

C) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a previously terminated corporate vendor during the time of conduct which was the basis for that vendor's termination from participation in the medical assistance program; or

D) was an owner of a sole proprietorship or partner of a partnership which was previously terminated during the time of conduct which was the basis for that vendor's termination from participation in the Medical Assistance Program;

9) Engaged in Practices Prohibited by Federal or State law or regulation

A) Such vendor, a person with management responsibility for a vendor; an officer or

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Section 140.16

Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program (Cont'd.)

person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, either:

i) has engaged in practices prohibited by applicable Federal or State law or regulation; or

ii) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or

iii) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or

iv) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation.

B) For purposes of subsection, (a)(9)

"applicable Federal or State law or regulation" shall include licensing or certification standards contained in State or Federal law or regulations related to the Medical Assistance Program, any other licensing standards as they relate to the vendor's practice or business or any Federal or state laws or regulations related to the Medical Assistance Program.

C) For purposes of subsection (a)(9) conviction or a plea of guilty to activities violative

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Section 140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program (Cont'd.)

Section 140.475 Medical Equipment, Supplies and Prosthetic Devices (Cont'd)

of applicable Federal or State law or regulation shall be conclusive proof that such activities were engaged in.

recommended in writing to the Department or in a patient care plan that the supplies or equipment be provided and that they are medically necessary; and

- 10) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, has been convicted in this or any other State, or in any Federal Court, of any felony not related to the Medical Assistance Program if such felony constitutes grounds for disciplinary action under the licensing act applicable to that individual or vendor.

- 3) the Department has approved payment based on consideration of the recipient's client's medical condition, the benefits the item is expected to effect, and the recipient's client's ability to adjust to and to use the item recommended; and

- 4) the recipient is not eligible for services from the Department of Rehabilitative Services or the Division of Services for Crippled Children, the client is dually eligible for services from the Department of Public Aid and the Department of Rehabilitation Services and/or the Division of Services for Crippled Children and meets the provisions outlined in subsections (b)(1), (2) and (3) above; or

- b) If any of the activities described in subsections (a)(1) through (a)(9) above were engaged in prior to December 1, 1977, they may be used as the basis for termination only if the vendor had actual or constructive knowledge of the requirements which applied to his conduct or activities.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.475 Medical Equipment, Supplies and Prosthetic Devices

- a) Payment for the provision of medical equipment, supplies and prosthetic devices shall be made to participating providers.
- b) Payment for medical equipment, supplies and prosthetic devices shall be made when:
- 1) they are essential to enable a recipient-client to remain at home or to function in the community; and

- c) Payment shall be made for the repair of prosthetic devices and medical equipment owned by recipients if the age and condition of the device or equipment is such that the cost of repair is less than 75% of the cost of replacement.

- d) Payment shall be made for loaner items issued pending repair or replacement of prosthetic devices and medical equipment owned by recipients if it is the usual practice of the supplier to provide and charge for such items.

- e) Covered services are:

- 2) the recipient's client's physician has

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Section 140.475 Medical Equipment, Supplies and Prosthetic Devices (Cont'd)

- 1) Non-durable medical supplies for an individual's life maintenance care and treatment;
 - 2) Durable medical supplies essential to expedite a hospital discharge and to enable the person to be cared for at home;
 - 3) Prostheses and orthoses which are essential to enhance functional mobility or essential for employment;
 - 4) Respiratory equipment and supplies necessary as a life saving measure or for prevention of a medical emergency, institutionalization, or to facilitate deinstitutionalization.
- f) Payment shall be made for covered services on a prior approval basis, except for repair/replacement of medical equipment and prosthetic/orthotic devices, as provided under Section 140.477.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Numbers: Proposed Action:

147.5	Amendment
147.25	Amendment
147.50	Amendment
147.75	Amendment
147. Table C	New Section
147. Table D	New Section
147. Table E	New Section
147. Table F	New Section
147. Table G	New Section
147. Table H	New Section
147. Table I	New Section

4) Statutory Authority: Sections 5-5 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues

Involved: This rulemaking implements a Court Order in the case entitled Illinois Health Care Association v. Kustra (89 CH 01243), which requires the Department to promulgate Inspection of Care Guidelines in rule form.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
147.5	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.15	Amendment	December 14, 1990 (14 Ill. Reg. 19653)

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Section Numbers	Proposed Action	Illinois Register Citation
147.25	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.50	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.75	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.150	Amendment	August 31, 1990 (14 Ill. Reg. 13967)
147.205	Amendment	August 31, 1990 (14 Ill. Reg. 13967)
147.250	New Section	April 13, 1990 (14 Ill. Reg. 5434)
147.250	New Section	September 21, 1990 (14 Ill. Reg. 15243)
147.300	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.305	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.310	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.315	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.320	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.325	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.330	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.335	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.340	New Section	June 15, 1990 (14 Ill. Reg. 9355)

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Section Numbers	Proposed Action	Illinois Register Citation
147.345	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.350	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147. Table A	New Section	September 21, 1990 (14 Ill. Reg. 15243)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvold, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 11, 1991
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendments begin on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 147
REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIES

Section 147.5	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.25	Functional Needs and Restorative Care Service Needs
147.50	Definitions
147.75	Reconsiderations
147.100	Midnight Census Report
147.105	Times and Staff Levels
147.125	Statewide Rates
147.150	Referrals
147.175	Basic Rehabilitation Aide Training Program
147.200	Nursing Rates
147.205	Costs Associated with the Omnibus Budget Reconciliation Act of 1987
147.250	Determination of Program (Specialized Services) Costs (Emergency Expired)
147.300	Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities (Emergency Expired)
140.305	Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness (Emergency Expired)
147.310	Comprehensive Functional Assessments and Reassessments (Emergency Expired)
147.315	Interdisciplinary Team (IDT) (Emergency Expired)
147.320	Comprehensive Care Plan (CCP) (Emergency Expired)
147.325	Specialized Care - Administration of Psychopharmacologic Drugs (Emergency Expired)
147.330	Specialized Care - Behavioral Emergencies (Emergency Expired)
147.335	Discharge Planning (Emergency Expired)
147.340	Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness (Emergency Expired)
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Active Treatment for Individuals with Developmental Disabilities (Emergency Expired)
147.350	

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Section
TABLE A Staff Time and Allocation by Need Level
TABLE B Staff Time and Allocation for Restorative Programs
TABLE C Functional Needs and Restorative Care Service

TABLE D Therapy Services

TABLE E Determinations

TABLE F Activities

TABLE G Signatures

TABLE H Rehabilitation Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.913 and 140.914 at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 147.5 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities

a) Sections 147.25 through 147.175 describe the Department's method of reimbursement for nursing costs for geriatric residents in group care facilities. Reimbursement for nursing costs is based on the resident's need for care and the time and type of staff required to provide that care.

b) Resident Assessment Guidelines

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Section 147.5 Reimbursement For Nursing Costs For Geriatric Residents In Group Care Facilities (Cont'd.)

Section 147.25 Functional Needs and Restorative Care (Cont'd.)

The Resident Assessment Instrument is used to assess the variable needs of public assistance residents for determination of statewide rates and facility reimbursement levels. The Resident Assessment guidelines are described in Sections 147.25 through 147.75.

B) Totally dependent. Resident requires and receives total assistance due to a functional deficit(s) (as determined by physical or psychological causes) from staff with bathing. Resident is bathed by a staff person whether the bath is given in the tub, shower, or bed.

c) Interpretive Guidelines

2)3) Restorative Care

The interpretive guidelines have been developed as a reference and working tool for staff and nursing facilities during the Inspection of Care (IOC) survey. The interpretive guidelines are described in Section 147, Table C through Table I.

Bathing and Grooming-- Staff has developed and is implementing a specific program to assist resident to improve functional abilities in bathing and grooming due to a functional deficit(s) (as determined by physical or psychological causes).

(Source: Amended at 15 Ill. Reg. _____, effective _____)

3)4) Maintenance

Section 147.25 Functional Needs and Restorative Care

A Resident Assessment Instrument is used to assess the variable needs of public assistance residents for determination of statewide nursing rates and facility reimbursement levels. The Resident Assessment guidelines as described in this Section identify the functional needs of the resident and the programs developed to improve their functional abilities.

Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and program intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

a) Category 1 - Bathing/Grooming

4) Prior to a resident being given credit for restorative care in any program, the following must be met:

1) Base Rate Services

- A) General reminders of when to take a bath.
- B) Assistance with combing/brushing hair or assistance with washing back; and
- C) One-to-one verbal instruction.

A) An assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist or a registered nurse who has successfully completed an approved rehabilitation course.

1)2) Functional Description

- A) Needs and receives hands-on assistance due to functional deficit(s) (as determined by physical or psychological causes). Resident is helped with bathing some part of her or his body. This includes oral hygiene, washing hair and shaving.

B) A reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response.

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Section 147.25 Functional Needs and Restorative Care (Cont'd.)

- G) Program must be reflected in the resident's care plan.
- B) Staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly.
- E) The program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 456.280 (1987) (no subsequent dates or editions) for intermediate care facilities and 42 CFR 456.280 (1987) (no subsequent dates or editions) for skilled nursing facilities.
- b) Category 2 - Clothing
- 1) Base Rate Services
- A) Assistance in choosing appropriate clothing; and
- B) Verbal reminders to dress.
- 1)2) Functional Description
- A) Needs and receives hands-on assistance due to a functional deficit(s) (as determined by physical or psychological causes). Resident requires and receives help with getting dressed. This involves the actual assisting with putting on clothes.
- B) Totally dependent. Resident requires and receives total assistance due to a functional deficit(s) (as determined by physical or psychological causes) from staff with dressing. Resident is dressed by a staff person and does not participate in

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dressing of self. This includes bedfast residents being dressed in gown, pajamas, etc.

1)3) Restorative Care

Clothing-- Staff has developed and is implementing a specific program to assist resident to improve functional abilities in dressing due to a functional deficit(s) (as determined by physical or psychological causes).

1)4) Maintenance

Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

4) Prior to a resident being given credit for restorative care in any program, the following must be met:

- A) An assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist or a registered nurse who has successfully completed an approved rehabilitation course.
- B) A reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response.
- C) Program must be reflected in the resident's care plan.
- D) Staff carries out the restorative care programs as indicated by the plan and

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records-resident's-response-to-the restorative-care-programs-in-the-clinical record.

- E) The program is reviewed by the time of the care-plan meeting by the interdisciplinary team; if resident fails to increase his functional ability after initial movement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42-CFR 456.380-(1987)-(no-subsequent dates or editions)-for-skilled-nursing facilities.

c) Category 3 - Eating

1) Base Rate Services

- A) Routine tray preparation:
- i) opening milk cartons
 - ii) cutting food
 - iii) pouring coffee/beverages
 - iv) buttering bread

B) Verbal reminders to eat (encouragement)

1)2) Functional Description

- A) Resident needs and receives hands-on staff assistance due to functional deficit(s) (as determined by physical or psychological causes) to eat some part of the meal.
- B) Totally dependent. Resident requires and receives total assistance due to a functional deficit(s) (as determined by physical or psychological causes) from staff with eating.

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- C) Tube Feeding. Resident requires and receives tube feeding. Resident is fed through nasogastric tube or gastrostomy tube regardless of other oral food intake.

2)3) Restorative Care

Eating-- Staff has developed and is implementing a specific program to assist resident to improve functional abilities in eating due to a functional deficit(s) (as determined by physical or psychological causes).

3)4) Maintenance

Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 4) Prior to a resident being given credit for restorative care in any program, the following must be met:

- A) An assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course.
- B) A reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response.
- C) Program must be reflected in the resident's care plan.

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- D) Staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record.
- E) The program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his/her functional ability after initial improvement, credit will still be given as long as restorative care continues to be provided. The care plan review is required by 42-CFR-456.380-(1987)-(no subsequent dates or editions) for intermediate care facilities and 42-CFR-456.280-(1987)-(no subsequent dates or editions) for skilled nursing facilities.
- d) Category 4 - Mobility
- 1) Base Rate Services
- A) Repositioning for comfort;
- B) Supervision of ambulatory residents;
- C) Redirection of lost and/or wandering residents;
- D) Reminders to use handrails;
- E) Reminders to use assistive devices correctly;
- F) Residents who are totally bedfast; and
- G) Assistance in and out of bathtub or shower.
- 1)2) Functional Description
- A) Needs and receives hands-on assistance due to a functional deficit(s) (as determined by physical or psychological causes) with standing, transfer or movement about the facility. Resident can ambulate or move

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- about facility per self once transfer is completed. Or, resident can transfer independently, but staff must assist resident with movement about the facility.
- B) Resident requires and receives hands-on assistance due to a functional deficit(s) (as determined by physical or psychological causes) to transfer from bed to chair or wheelchair and requires and receives assistance with movement about the facility.
- 2)3) Restorative Care
- Mobility-- Staff has developed and is implementing a specific program to assist resident to improve functional abilities in transferring, ambulation, wheelchair mobility, and/or bed mobility due to a functional deficit(s) (as determined by physical or psychological causes).
- 3)4) Maintenance
- Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.
- 4) Prior to a resident being given credit for restorative care in any program, the following must be met:
- A) An assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course.

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(Cont'd.)

- B) A reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response.
- C) Program must be reflected in the resident's care plan.
- D) Staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record.
- E) The program is reviewed at the time of the care plan meeting by the interdisciplinary team. If resident fails to increase his functional ability after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 456.280-(1987)-(a) subsequent dates or editions)-(for intermediate care facilities and 42 CFR 456.280-(1987)-(a) subsequent dates or editions)-(for skilled nursing facilities).

e) Category 5 - Continence

1) Base Rate Services

Stand-by assistance provided, including assisting with clothing, verbal cues, etc.

2) Functional Description

- A) Resident is incontinent of bladder and/or bowel (includes dribbling).
- B) Resident is incontinent and assisted to toilet as frequently as indicated by resident need.

f) Category 6 - Psychosocial/Mental Status

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(Cont'd.)

1) Base Rate Services

- A) Occasional behavior intervention for that which the resident has not been assessed or for which no program has been implemented.
- B) Additional reminders for bathing, clothing, grooming and taking medicine.
- C) Explanations and assurances.
- D) Intervention/interaction with family; and
- E) Reminders to attend activities.

1)2) Functional Description

Staff has developed and is implementing a specific intervention program that addresses psychosocial needs. This program is monitored by a Qualified Health Professional "QHP" as evidenced by signing off on care-plan assessment and/or response notes, with written recommendations as appropriate in the clinical record. This program must be in the care plan and the resident's response to staff's intervention must be recorded in the clinical record at least monthly. Interventions may occur in 1:1 scheduled counseling sessions, group sessions no larger than eight, or strictly incident intervention. Incident intervention only programs are limited to residents with severe behavior problems which preclude participation in a more structured setting. Incident intervention only must consist of a plan with staff using ongoing specifically identified interventions for identified behavior occurrences. The plan may consist of any combination of the above-mentioned techniques. Interventions must take place at least three times a week.

- 2) Prior to a resident program being given credit for psychosocial/mental status, the following must be met:

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- A) An assessment-completed-identifying-the resident-is-current-psychosocial-need-and-a specific-plan-developed--For-episodic intervention, an assessment-must-include duration, intensity, and frequency-of behavior--The assessment-for-episodic behavior-must-also-include-precipitating factors-and-consequences.
- B) A-reassessment-is-conducted-as-indicated-in the-initial-plan--A-reassessment-must-be conducted-at-least-every-90-days-but-can-be conducted-as-frequently-as-needed-based-on outcome-and-response.
- C) A-program-must-be-reflected-in-the resident's-care-plan.
- D) Staff-carries-out-the-program-as-indicated by-the-plan-and-records-such-in-the-clinical record.
- E) The-program-is-reviewed-at-the-time-of-the care-plan-meeting-by-the-interdisciplinary team-is-defined-by-the-Department-of-Public Health-at-77-Il-Adm-Code-300-330--(The care-plan-review-is-required-by-42-CFR 456.280-(1987)-(no-subsequent-dates-or editions)-for-intermediate-care-facilities and-42-CFR-456.280-(1987)-(no-subsequent dates-or-editions)-for-skilled-nursing facilities--The-interdisciplinary-team-is defined-by-the-Department-of-Public-Health at-77-Il-Adm-Code-300-330.)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 147.50 Service Needs

This Section describes the Department's method of reimbursement for nursing costs for service needs through the use of the Resident Assessment Instrument. It further describes therapy services that may be needed by residents that are reimbursable through a separate post-payment audit system.

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a) Category 1 - Appliances

- 1) Type Code: Frequency codes
One or more appearances.

2) Appliances

Appliances, restricted to the following devices, that the facility staff assist the resident with applying, and/or maintenance/care of the appliance as indicated per physician's or dentist's orders and/or resident plan of care.

- A) Hearing device (one or two)
- B) Elastic joint supports
- C) Ted or jobst hose (one or two)
- D) A neck brace
- E) A back brace
- F) Artificial limbs
- G) Trusses (male and female)
- H) Prescribed ACE bandages
- I) Cervical collars
- J) Leg braces
- K) Arm braces
- L) Head braces
- M) Splints
- N) Slings
- O) Contact lens
- P) Artificial eye
- Q) Protective helmet

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- R) Cylinder braces
- S) Eyeglasses
- T) Dentures
- U) Electrolarynx
- V) Augmentative communication system
- W) TENS Unit
- X) Wheelchair cuffs
- Y) ADL adaptive equipment
- Z) Abductor bar/pillow

b) Category 2 - Catheterization

Type code: Intensity codes

Indwelling, Texas, supra pubic catheter, intermittent catheterization, including care and irrigation

c) Category 3 - Decubitus Treatment

Type code: Intensity codes

1) Resident has been admitted with a stage I or II decubitus ulcer.

2) Resident has been admitted with a stage III or IV decubitus ulcer.

3) Resident has a Stage I or II

4) Resident has a Stage III or IV decubitus ulcer that developed while in the facility.

d) Category 4 - Decubitus Prevention

Type code: Intensity codes

1) Resident has been assessed, using an ~~comprehensive~~

Section 147.50 Service Needs (Cont'd.)

assessment instrument, to determine risk for developing decubitus ulcers and has scored in the moderate risk category. A comprehensive preventative program as specified in the care plan is implemented and must address, but is not limited to, positioning schedules, range of motion program, nutritional support, and skin measures (i.e., whirlpool, etc.) as determined by facility policy.

2) Resident has been assessed, using an ~~comprehensive~~ assessment instrument, to determine risk for developing decubitus ulcers and has scored in the high risk category. A comprehensive preventative program as specified in the resident care plan is implemented and must address, but is not limited to, special mattresses or wheelchair cushions to reduce pressure, a positioning schedule, range of motion program, nutritional support and daily skin checks, and skin care measures (i.e., whirlpool, etc.) as dictated by a facility policy for high risk residents.

e) Category 5 - Wound Care

Type code: Intensity codes

1) Dressings and/or skin treatments for noninfected areas.

2) Complex dressings (such as sterile dressings or post-op) and/or treatment to lesions that are infected.

f) Category 6 - Injections

Type code: Frequency codes

1) Requires and receives injections less than daily but at least once a month, on a regular basis as per physician order.

2) Requires and receives one or more injections daily.

g) Category 7 - Intravenous Therapy: I.V.'s and Clysis

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Type code: Frequency codes

- 1) Required and received I.V. or clysis for at least 48 hours (intermittent or continuous) during the past three months.
- 2) Required and received I.V. or clysis seven or more days in past three months.

h) Category 8 - Laboratory-Specimen Service

Type code: Frequency codes

Resident required and facility staff collected one or more of the following: a specimen including blood specimen, urine specimen either by midstream "cleancatch" or by catheter, sputum specimen, stool specimen, swabs of throat, lesions, diabetic urine test, telephonic pacemaker check or electrocardiogram or oximeter or glucometer readings or checking and monitoring of dialysis shunts. Specimens collected by an outside lab are not included.

- 1) One time in the last three months.
- 2) Once a week.
- 3) Daily.

i) Category 9 - Medications/Medication Monitoring

1) Base Rate Services

- A) Routine med passes.
- B) Routine observation for medication side effects.
- C) Encouraging residents to take medications.
- D) PRN medication.
- E) Special monitoring done by licensed or unlicensed personnel with licensed supervision, including vital signs, lab work and clinitests that result in few, if any,

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changes in dosage or medication or amount of assessment necessary.

2) Type code: Intensity codes

Resident needs and receives medication four times a day or more during off-hours or by multiple routes, and requires routine monitoring to check for untoward reaction or side effects. Also included is a resident who needs and receives medication that requires special monitoring by licensed personnel with need for assessing and reporting to physician if necessary, changes in resident status, lab work, side effects, or apparent drug interactions. This can result in an adjustment of dosage or medication, or in continuing assessment of an unstable condition.

j) Category 10 - Occupational Rehabilitation Services

1) Type code: Intensity Code

The occupational rehabilitation program shall be ordered by a physician. It shall be planned and designed specifically for the resident by a registered or licensed occupational therapist (OTR/L) (68 Ill. Adm. Code 1315). The program occupational rehabilitation services shall be administered by a rehabilitation aide or Certified Occupational Therapist Assistant ("COTA") under the supervision of the OTR/L. There shall be a monthly review of progress documented by the OTR/L, or if written by the COTA, co-signed by the OTR/L.

- 2) There must be a reasonable likelihood that the rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan meeting review by the interdisciplinary team.

3) Prior-to-a-resident-being-given-credit-in

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3) Prior to a resident being given credit in physical rehabilitation services, the following must be met:

A) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.

B) The physical rehabilitation aide must be a certified nurse aide or have a related degree or two years of college in a related field or an approved 36-hour activity course and has received specified training as outlined and approved by the Illinois Department of Public Aid.

C) For residents with a mentally ill diagnosis if occupational rehabilitation is secured, a psychosocial and/or a corresponding ADL program must have been developed and secured.

1) Category 12 - Passive Range of Motion (PROM)

Type code: Frequency Code

Resident requires and receives PROM exercises to at least one extremity at least two times per day.

m) Category 13 - Ostomy Care

Type code: Intensity codes

Includes gastrostomy, ileostomy, jejunostomy and colostomy.

1) Uncomplicated care of ostomy (gastrostomy included). Includes routine care and maintenance of the ostomy, i.e., cleansing and appliance change.

2) Complex ostomy, Includes post/op operative, ostomies, care of Percutaneous Endoscopic Gastrostomy (PEG) tubes, or an ostomy that, given the patient's overall condition, requires

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occupational rehabilitation services, the following conditions must be met:

A) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.

B) The occupational rehabilitation aide must be a certified nurse's aide or have a related degree or two years of college in a related field or an approved 36-hour activity course and has received specified training as outlined and approved by the Department of Public Aid.

C) For residents with a mentally ill diagnosis if occupational rehabilitation is secured, a psychosocial and/or a corresponding ADL program must have been developed and secured.

k) Category 11 - Physical Rehabilitation Services

1) Type code: Intensity Code

The physical rehabilitation program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the Registered Physical Therapist (RPT). The physical rehabilitation services shall be administered by a Physical Therapy Assistant (PTA) or a rehabilitation aide under the supervision of the RPT. There shall be a monthly review of the progress documented by the RPT or if written by the PTA, co-signed by the RPT.

2) There must be a reasonable likelihood that the rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan meeting review by the interdisciplinary team.

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licensed care. All ostomies that have become excoriated or require a prescription medication application are included.

n) Category 14 - Respiratory Therapy

1) Type code: Intensity codes

- A) Uncomplicated provision of these therapies. Resident is capable of administering his/her own respiratory therapy (oxygen and humidity) with minimum assistance from licensed personnel and routine monitoring by staff.

- B) Complex due to the nature of the resident's condition, type procedure or multiplicity of procedures required. Positive pressure breathing therapy, aerosol therapy, etc. and complicated problems with oxygen-humidity is required by resident. Resident is totally dependent upon administration by licensed staff.

- 2) Respiratory therapy includes oxygen, positive pressure breathing therapy, humidity therapy, or aerosol therapy. Room humidifiers are not included.

o) Category 15 - Suctioning

1) Type code: Frequency codes

- A) At least twice weekly.
B) Once or more daily.

- 2) Includes postural drainage, percussion, and vibration.

p) Category 16 - Tracheostomy Care

1) Type code: Intensity codes.

- A) Requires routine cleansing of tracheostomy site and non-sterile dressing change.

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Tracheostomy care managed by staff (see Category 15 - Suctioning).

- B) Requires and receives complex care to tracheostomy site more than one time daily which includes the changing of sterile or complex dressings, suctioning or changing of the tracheostomy tube, and/or monitoring of unstable respiratory status (see Category 15 - Suctioning).

- 2) Includes care of tracheostomy site.

q) Category 17 - Discharge Planning

Type code: Intensity codes

A specific discharge plan has been developed by an interdisciplinary team and reflected in the resident care plan. Includes only residents with discharge anticipated within the next three (3) months to a less restrictive environment. This plan shall include family and other state agency programs where appropriate (e.g., i.e., Department on Aging and Department of Rehabilitation Services). Discharge of the resident need not be accomplished provided the plan has been implemented and the services were within the past four months.

r) Category 18 - Exercise, Health and Fitness Programs

Type code: Intensity Codes.

A health and fitness program has been specifically planned for the resident by a licensed nurse. The fitness program is written on the resident's fitness card. Following the resident's attendance, participation in the specific routine(s) must be recorded on the resident's fitness card. The program is carried out at least three times per week. The resident's response to the program must be documented in the clinical record one time per month. Fitness routines may vary based on the resident's physical condition, fitness preferences and plan of care. Programs may be self-monitored. Programs may consist of, but are not limited to walking/fitness trails,

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flexibility exercises, endurance maintenance, wheel chair pushups, swimming, biking, basketball, baseball, and/or volleyball.

s) Category - Therapy Services

The following therapy services are not to be scored on the DPA 2700. These services are, however, reimbursed on the DPA 1443, Provider Invoice.

1) Speech-Language Pathology and Audiology (SLP/A) Rehabilitative Services

A) General Criteria

There must be a reasonable likelihood that the treatment will improve the resident's functional means of communication. While there is no specific time limit on the duration of these services, improvement of the resident's condition must be evident in the therapist's documentation.

B) Specific Criteria

Resident requires and facility provides a Speech-Language Pathology and Audiology (SLP/A) Rehabilitative Program as ordered by a physician, planned and designed specifically for the resident by a certified speech-language pathologist/audiologist or Clinical Fellow (CFY) and including measurable goals. This program is carried out on a regularly scheduled basis by a certified speech-language pathologist/audiologist or Clinical Fellow (CFY). Progress notes are to be recorded as to the improvement of the resident's condition. This service must be reevaluated monthly by the certified speech-language pathologist/audiologist.

2) Physical Therapy and Related Rehabilitative Services

A) General Criteria

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There must be a reasonable likelihood that the physical therapy and/or the physical rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team. The care plan review is required by 42 CFR 456.380 (1984) for intermediate care facilities and 42 CFR 456.280 (1984) for skilled nursing facilities. The interdisciplinary team is defined in 77 Illinois Administrative Code, Section 300.330.

B) Specific Criteria

i) Physical Therapy I

Physical therapy shall be planned and designed specifically for the resident by a physical therapist (PT). This plan must include measurable goals. The program shall be carried out on a regularly scheduled basis by an individual with qualifications of a physical therapist. There must be a review of progress toward goals documented by the PT monthly.

ii) Physical Therapy II

The physical therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the PT. The direct physical therapy services shall be administered by a physical therapist assistant (PTA) under the supervision of the PT. There shall be a review of the progress documented either by the PT or the PTA monthly. The PT must cosign the PTA's documentation monthly.

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iii) Physical Therapy Assessment

Resident has been evaluated, assessed or reassessed by a physical therapist and a specific restorative program developed to increase resident's functional level. This program is then implemented by the nursing department. This is not scored if resident is also in any rehabilitation program.

3) Occupational Therapy and Related Rehabilitative Services

A) General Criteria

There must be a reasonable likelihood that the occupational therapy and and/or the occupational rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team. The care plan review is required by 42 CFR 456.380 (1987) (no subsequent dates or editions) for intermediate care facilities and 42 CFR 456.280 (1987) (no subsequent dates or editions) for skilled nursing facilities. The interdisciplinary team is defined in 77 Illinois Administrative Code, Section 300.330.

B) Specific Criteria

i) Occupational Therapy I

The occupational therapy shall be ordered by a physician. It shall be planned and designed specifically for the resident by a registered occupational therapist/licensed (OTR/L). This plan must include

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measurable goals. The program shall be carried out on a regularly scheduled basis by an individual with qualifications of a registered occupational therapist/licensed (OTR/L). There must be a review of progress towards goals documented by the OTR/L every month.

ii) Occupational Therapy II

The occupational therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the OTR/L. The direct occupational therapy services shall be administered by a certified occupational therapy assistant/licensed (COTA/L) under the supervision of the OTR/L. There shall be a review of the progress documented either by the OTR/L or COTA/L monthly. The OTR/L must assign the COTA/L's documentation after monthly.

iii) Occupational Therapy Assessment

Resident has been evaluated, assessed or reassessed by a registered occupational therapist/licensed (OTR/L) and a specific restorative program developed to increase resident's functional level. This program is then implemented by the nursing department. This is not scored if resident is also in any rehabilitation program.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 147.75 Definitions

"ADL." Activities of daily living.

"ADL Adaptive Equipment." ADL adaptive equipment refers to any device applied to the hand or arm that

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Section 147.75 Definitions (Cont'd.)

allows for independence in eating, grooming, writing, bathing, dressing.

"Agency Note." Clarification for Department staff and providers regarding interpretation of the administrative rule or interpretative guidelines.

"Ambulate." Process of moving from one place to another either on foot (with or without a device) or in a wheelchair or geri chair.

"Approved rehabilitation nurse."--Is a registered professional nurse who shall have successfully completed a course approved by the Department of Public Health or documents at least 60 hours of classroom/laboratory training in restorative/rehabilitative nursing as evidenced by a transcript, certificate, diploma or other written documentation from an accredited school or recognized accrediting agency such as a state or national organization of nurses or a state licensing authority.

"Assessment/Reassessment." The process of obtaining and interpreting data by licensed personnel. These data is gathered through record review, specific, direct observation, interview, and the administration of data collection procedures.

The requirement of an assessment/reassessment is indicated for several of the functional and/or service categories. Reference to an assessment does not mean the facility must develop a distinct assessment form for each category. Facilities should be encouraged to conduct a comprehensive assessment with emphasis given to the areas upon which resident programs or care plans will be based.

A reassessment does not require the completion of a new assessment duplicating the comprehensive assessment already conducted. A reassessment requires a focused review of the resident's current status, progress, the continual appropriateness of the program and/or care plan. The individual conducting the reassessment should document findings updating the initial assessment.

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"Agency Note."--The requirement of an assessment/reassessment is indicated for several of the functional and/or service categories. Reference to an assessment does not mean the facility must develop a distinct assessment form for each category. Facilities should be encouraged to conduct a comprehensive assessment with emphasis given to the areas upon which resident programs or care plans will be based. A reassessment does not require the completion of a new assessment duplicating the comprehensive assessment already conducted. A reassessment requires a focused review of the resident's current status, progress, and the continual appropriateness of the program and/or care plan. The professional conducting the reassessment should document findings by updating the initial assessment.

"Assistance." Assistance refers to hands-on services by a staff member to help a resident do something such as to clothe, dress, eat, etc.

"Augmentative Communication Systems." Augmentative communication systems and devices encompass a broad range of unaided vs. aided communication systems. Examples of unaided modes of communications are gesturing, sign language, eye pointing and head nod/shake responses. Aided modes of communication may include the use of an eye gaze communication board or an electronic communication device that has speech output or a print tape.

"Base Rate Services." Denotes minimum standard services covered in the base rate.

"Certified Occupational Therapist Assistant (COTA)." Has completed an occupational therapy program of at least two years in length leading to an associate degree or its equivalent approved by the Department of Registration and Education (DRE) Professional Regulation (DPR) and that person has successfully completed the examination authorized by BRE DPR (see Ill. Rev. Stat. 1985-1989, ch. 111, pars. 3701 et seq.).

"Certified Therapeutic Recreation Specialist."--A certified therapeutic recreation specialist is one who is presently certified by the National Council on

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Section 147.75 Definitions (Cont'd.)

~~Therapeutic-Recreation-Certification--These standards are as follows:~~

~~Baccalaureate-degree-or-higher-from-an-accredited college-or-university-with-a-major-in-the-recreative recreation, or a major in recreation with an option in therapeutic-recreation-(degree-must-be verified-by-an-official-transcript)-or~~

~~Baccalaureate-degree-or-higher-from-an-accredited college-or-university-in-one-of-the-specified related-degree-areas-(art-education, dance, drama, early-childhood-education, music-education, physical-education, psychology, rehabilitation, sociology, special-education)-and-five-years-of full-time-paid-experience-in-a-clinical, residential, or community-based-therapeutic recreation-program-and-eighteen-semester-hours (junior-and-senior-level)-or-graduate-credits-in-therapeutic-recreation-courses-(all-courses-must be-verified-by-an-official-transcript)-~~

"Clinical Fellow" (CFY). The educational equivalent to a certified Speech-Language Pathologist/Audiologist. This entry level professional is engaged in completion of the Clinical Fellowship Year/CFY required for certification as a Speech-Language Pathologist/Audiologist.

"Clinical Record." Any document containing resident specific information. The clinical record includes information on the resident's current status, plans of care and resident's response to care. Flow sheets, treatment sheets and nurses' notes are all components of the clinical record. The clinical record is a permanent document.

"Dependent (totally)." Resident requires the activity of the given area of need to be administered and/or performed by the facility staff and the resident cannot perform the activity himself/herself.

"Fitness Card." A card which includes individual resident data along with planned activities, frequency of activities, necessary monitoring and documentation requirements.

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Section 147.75 Definitions (Cont'd.)

"Flow Sheet." Specialized form designed for staff to record services and/or treatments delivered to residents on a regular basis. Flow sheets are a permanent part of the clinical record.

"Fluidotherapy." A multifunctional modality that simultaneously applies heat, massage, sensory stimulation and pressure oscillation through the use of pulverized corn husks. It is used to decrease pain and edema, increase range of motion and circulation, and heal open or closed wounds. Unlike water, the dry natural media does not irritate the skin or produce thermal shock.

"Intervention." Planned interactions requiring either hands-on or verbal action by staff member. Actions are purposeful with the intent of altering or maintaining a resident's condition. Interventions are documented in resident's individualized plan of care.

"Kardex." A centralized source of information outlining the daily care needs of a resident. The entries made on this record are temporary and are updated as physician's orders or change in the resident's condition dictate. Its primary use is to provide a ready source of information for the direct care staff to use in planning for and prioritizing the resident's daily care.

"Less Restrictive Environment." Discharge to a less restrictive environment entails transfer of a resident from a skilled or intermediate care facility to a facility providing sheltered care or room and board; or discharge of a resident to home, or independent living arrangement or residential rehabilitation facility or an ICF/15.

"Monitor." Direct observation by staff of a resident for a specific purpose.

"Monthly." Thirty (30) consecutive days.

"Need Not Met." Objective criteria used to verify that services are not rendered and are effective in meeting residents' needs.

"Normal operations of facility." Daily patterns of

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Section 147.75 Definitions (Cont'd.)

staff carrying out their prescribed duties or residents engaging in routine patterns of daily living.

"Occasional." Action that does not occur in a pattern. For example, a resident is occasionally incontinent when he/she, due to medication, certain foods, excitement, etc., may have an accident. However, it is not a consistent pattern.

"Occupational Therapist Registered/Licensed." Is a graduate of an occupational therapy program of at least four years in length leading to baccalaureate degree or its equivalent approved by BRE DPR and that person has successfully completed examination authorized by BRE DPR (see Ill. Rev. Stat. 1985, ch. 111, pars. 3701 et seq.).

"Off-hours." Refers to medication prescribed by the physician to be given at times other than the facilities routine times for dispensing medications. Off-hour medications should be given for specific purposes (i.e. eye drops, antibiotics, etc.) and should be of a limited duration.

"Paraffin Heat Therapy." A paraffin bath is wax which has been completely melted to 126°(F) - 130°(F). This treatment is used to apply heat uniformly to hand, foot, or other body areas to relieve pain, soreness and to relax muscle spasms. The heat relaxes the muscles and stimulation of blood circulation.

"Physiatrist." A physician who has specialized in the field of physical, occupational and speech therapies and all exercise and heat modalities for treating orthopedic, neurological and circulatory disturbances.

"Physical Therapist." Is a person who has graduated from a curriculum in physical therapy approved by the Department of Registration and Education (PRE) DPR and has passed an examination approved by the BRE DPR to determine his fitness for practice as a physical therapist.

"Physical Therapist Assistant." Is a person who has graduated from a two year college level program approved by the American Physical Therapy Association; or has two years of appropriate experience as a

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physical therapist assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service.

"Qualified Health Professional (QHP)." An educator with a degree in education from an accredited program. A registered physical or occupational therapist. A physician licensed by the State of Illinois to practice medicine or osteopathy. A psychologist with a valid, current Illinois registration. A registered nurse with a valid, current Illinois registration. A registered speech pathologist or audiologist. A registered licensed social worker with a Bachelor's Degree in social work from an accredited program, or a Bachelor's Degree in a field other than social work and at least three years social work experience under the supervision of a qualified social worker with one of the following areas of concentration: social work, applied sociology, applied psychology, or counseling and one year of health care experience in a health care setting. A therapeutic recreation specialist who is a graduate of an accredited program and eligible for registration in certified by the National Therapeutic Recreation Society Certification. A rehabilitation counselor who is certified by the Committee on Rehabilitation Counselor Certification.

"Qualified Mental Health Professional." A qualified health professional (as previously defined below) who also has specialized training or one year of experience in working with the mentally ill.

"Reassessment." See Assessment.

"Rehabilitation Nurse." A registered professional nurse who has successfully completed a course approved by the Department of Public Health or documents at least 60 hours of classroom/laboratory training in restorative/rehabilitative nursing. This training must be documented by a transcript, certificate, diploma or other written documentation from an accredited school or recognized accrediting agency such as a state or national organization of nurses or a state licensing authority.

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Section 147.75 Definitions (Cont'd.)

"Rehabilitation services." Rehabilitation services are those related professional therapy services provided by or under the supervision of licensed, certified, or registered personnel, specifically designed for a particular resident to improve the resident's functional abilities. These programs must be individually developed, have the potential to benefit the resident, and be ordered by the resident's physician. At a minimum these services must be provided by a duly qualified, certified nurse aide trained in a rehabilitation program approved by the Department of Public Aid. While there is no specific time limitation for their duration, improvement of the resident's condition should be evident in the resident's record.

"Restorative services." Restorative services are those medical and nursing treatments provided either by or under the supervision of licensed personnel specifically required to maintain or improve a resident's functional condition or prevent further deterioration. These procedures should be reviewed by the facility's interdisciplinary team at the time of the care plan review and incorporated into the care plan. Services can include passive range of motion, palliative skin care, positioning, bowel and bladder retraining, ambulation, ADL retraining.

"Skilled services." Resident requires on a daily basis the direct observation, assistance, monitoring, or performance of nursing procedures by a licensed nurse or the direct supervision by a licensed nurse.

"Supervise." The process of overseeing or directing either staff in the care of the resident or the resident him/herself in performing certain functional or medical tasks. In the case of residents, staff must be present either to instruct, prompt, or to make sure the resident carries out a specific task in such a manner as to complete the task or avoid injury. In the case of staff, it is either direct supervision or the giving of detailed verbal or written instructions on how to carry out a specific procedure for or on a resident.

"T.E.N.S. Unit." Transcutaneous Electrical Nerve Stimulatory (used strictly for pain control).

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Section 147.75 Definitions (Cont'd.)

"Transfer." The process of physically moving a resident from one place to another.

"Verification of Level of Service." Activity by the Department's staff to verify that the level of service, as indicated by the facility, is both needed and received.

"Wheelchair Cuffs." Leather cuffs for quads who need traction on wheelchair rims; fingerless leather with an abrasive strip.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 147. Table C Functional Needs and Restorative Care

a) Category 1 - Bathing/Grooming

1) Functional Area

A) Verification of Level of Service

- i) Kardex, flow sheet or care plan;
- ii) Observation of resident to determine overall functional ability;
- iii) Observation of 5-12 residents during bathing to determine level of assistance provided; and
- iv) Hands-on assistance must be supported by assessment/reassessment that reflects the current level of assistance needed.

B) Needs Not Met

- i) Following supplies are not available and/or the facility does not have a method of identifying individual resident supplies. Resident supplies are not stored in a sanitary manner: toothbrush and paste; comb; denture supplies, if appropriate; shavers or razors; washcloth and towels; and soap.

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Section 147, Table C Functional Needs and Restorative Care (Cont'd.)

- ii) Facility does not have available: clippers or scissors for nail care; individualized deodorants; and shampoos.
- iii) Equipment is not: in good repair; clean; sanitized between resident use; used, as evidenced by resident's appearance.
- iv) Resident has: dirty or untrimmed nails; dirty or uncombed hair; body odor; a dirty body, includes earwax build up, foreign matter crusted on eyes or mouth, etc.; lack of oral hygiene; and not been shaven (see Agency Note).

C) Agency Note

- i) Consider the time of day, i.e., right after a meal a resident may not be as clean as early morning.
- ii) If the case manager determines the documented level of bathing assistance required by the facility staff is incorrect in more than 25% of the residents checked for verification, the case manager will have to check more residents for verification. (All residents in the facility may have to be checked if the facility does not give accurate information.)
- iii) If resident is not shaved due to personal preference, it should be noted in the Kardex or care plan.
- iv) Odor related to a medical condition or untreatable cause should not be marked NEED NOT MET, so long as the problem has been identified. The problem is documented in the clinical record and there is an appropriately implemented treatment plan to correct or alleviate the condition.

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2) Restorative

A) Verification of Level of Service

- i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- ii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.
- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course), and clinical record and care plan do not indicate staff is addressing the lack of progress.
- vi) Licensed staffs' notations of the resident's response is not documented at least monthly in the clinical record.

C) Agency Note

- i) Clinical record may include any type of

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Functional Needs and Restorative Care
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(Cont'd.)

interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.

- ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.

- iii) Restorative program should address steps of program reflected in care plan.

- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.

- v) If resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.

- vi) Progress should be noted by objective documentation indicating increase in resident's functional level.

- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated at which time the program should be revised.

- viii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.

- ix) Prior to a resident being given credit for restorative care in any program, the following must be met: 1) an assessment completed identifying the resident's current level of functioning

and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; 2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; 3) program must be reflected in the resident's care plan; 4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and 5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 456.380 (1987) (no subsequent dates or editions) for intermediate care facilities and 42 CFR 456.280 (1987) (no subsequent dates or editions) for skilled nursing facilities.

- 3) Restorative Maintenance

A) Verification of Level of Service

- i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
- ii) Observation of this program to ensure

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Functional Needs and Restorative Care (Cont'd.)

plan as specified in the care plan is being implemented.

iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

C) Needs Not Met

i) No assessment/reassessment in the last 90 days.

ii) Restorative intervention not implemented as specified in the care plan.

iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.

iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

D) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

b) Category 2 - Clothing

1) Functional Level

A) Verification of Level of Service

i) Kardex or flowsheet or care plan.

ii) Observation of resident to determine overall functional ability.

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iii) Observation of 5-12 residents during dressing to determine level of assistance provided.

iv) Need for hands-on assistance must be supported by assessment/reassessment.

B) Need Not Met

When resident is:

i) Not wearing clothing that is clean, odor-free, in good repair, well fitting, appropriate to the season, time of day and condition of the resident.

ii) Not wearing underwear, unless contraindicated.

iii) Not wearing socks, unless contraindicated.

iv) Not wearing shoes or slippers, unless contraindicated.

v) Wearing clothing visibly marked with name.

C) Agency Note

i) If shoes or slippers are unable to be worn due to physical disability or physician's orders, this must be documented on the Kardex or the care plan.

ii) Consider time of day, i.e. at 4:00 p.m. clothing may not be as clean as at 8:00 a.m.

iii) If underwear is contraindicated this must be documented on the Kardex or the care plan.

2) Restorative

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(Cont'd.)

- ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- iii) Restorative program should address steps of program reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) Progress should be noted by objective documentation indicating increase in resident's functional level.
- vi) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.
- vii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.
- viii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program should be revised.
- ix) Prior to a resident being given credit for restorative care in any program, the following must be met: 1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who

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- A) Verification of Level of Service
 - i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
 - ii) Observation of this program to ensure plan as specified in the care plan is being implemented.
 - iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
- B) Need Not Met
 - i) No assessment/reassessment in the last 90 days.
 - ii) Goals met and new goals not established.
 - iii) Restorative intervention not implemented as specified in the care plan.
 - iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) and the clinical record, and care plan does not indicate staff addressing the lack of progress.
 - v) Licensed staffs' notations of the resident's response not documented at least monthly in the clinical record.
- C) Agency Note
 - i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.

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(Cont'd.)

has successfully completed an approved rehabilitation course; 2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; 3) program must be reflected in the resident's care plan; 4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record; and 5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 456.380 (1987) (no subsequent dates or editions) for intermediate care facilities and 42 CFR 456.280 (1987) (no subsequent dates or editions) for skilled nursing facilities.

3) Restorative MaintenanceA) Verification of Level of Service

- i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
- ii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

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(Cont'd.)B) Needs Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Restorative intervention not implemented as specified in the care plan.
- iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.
- iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

C) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of ADL.

c) Category 3 - Eating1) Functional AreaA) Verification of Level of Service

- i) Kardex or flowsheet or care plan.
- ii) Observation of resident to determine overall functional ability.
- iii) Observation of all residents to assure staff is providing assistance as indicated in the Kardex and/or flowsheet and/or care plan.
- iv) Physician order for tube feeding.

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- v) Need for hands-on assistance must be supported by assessment/reassessment.

B) Need Not Met

- i) Does not receive the assistance as indicated in the Kardex or flow sheet or care plan or as indicated by observation of the resident.
- ii) Does not receive diet as ordered, including snacks as scheduled.
- iii) Does not have adaptive devices available, if indicated in the Kardex and/or flowsheet and/or care plan, i.e. plate guards, built-up spoons and forks and clothing protectors. Adaptive devices are not used appropriately as indicated in the clinical record.

- iv) Fluids not offered and/or accessible to residents between meals.

- v) Food not served at appropriate temperature; i.e. warm foods not served warm and cold foods are not served cold as evidenced by resident's response/verbalization and as confirmed by case manager observation.

- vi) Food appropriate utensils not provided/available.

- vii) Facility protocol for weighing residents not followed.

- viii) Facility not following its own protocol and/or written procedures for tube feedings.

- ix) Weight loss or gain of 5% in one month, 7.5% in three months, 10% in six months or a continuous weight loss or gain over six months not reported to the physician.

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- x) Plan for corrective action regarding weight loss or gain not developed or implemented, as per physician order.
- xi) Protocols not available or followed for tube feeding.
- xii) Tube feeding not rendered by licensed personnel.
- xiii) Equipment for tube feedings is soiled or improperly maintained.

C) Agency Note

Protocol must address safety, infection control procedures, I & O, frequency of weighing and should outline steps of tube feeding procedures. If protocol is in question, refer to team Physician Consultant.

2) Restorative

A) Verification of Level of Service

- i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.

- ii) Observation of this program to insure plan as specified in the care plan is being implemented.

- iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.

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- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) and the clinical record, and care plan does not indicate staff is addressing the lack of progress.
- v) Licensed staffs' notations of the resident's response not documented at least monthly in the clinical record.
- C) Agency Note
- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment must address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits must be stated in specific terms.
- iii) Restorative program must address steps of program-reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks, but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.

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- vi) Progress by objective documentation indicating increase in resident's functional level.
- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program must be revised.
- viii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.
- ix) Prior to a resident being given credit for restorative care in any program, the following must be met: (1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; (2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; (3) program must be reflected in the resident's care plan; (4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record; and (5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. The care plan review is required by 42 CFR 456.380 (1987) (no subsequent dates or editions) for

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intermediate care facilities and 42 CFR 456.280 (1987) (no subsequent dates or editions) for skilled nursing facilities.

3) Restorative Maintenance

A) Verification of Level of Service

- i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
- ii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iii) Monthly documentation of resident response by licensed staff or assigned by licensed staff.

B) Needs Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Restorative intervention not implemented as specified in the care plan.
- iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.
- iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

C) Agency Note

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A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of ADL.

d) Category 4 - Mobility

1) Functional Area

A) Verification of Level of Service

- i) Kardex or flowsheet or care plan.
- ii) Observation of residents to determine overall functional ability and if wheelchair, walkers, or other assistive devices are available and used.
- iii) Residents should be observed being assisted by facility staff, as needed.
- iv) Need for hands on assistance must be supported by assessment/reassessment.

B) Need Not Met

- i) Resident who is not able to change position independently has not been exercised or ambulated and repositioned every two hours.
- ii) Resident is not positioned properly.
- iii) Assistive device is not in proper working order, and/or clean or well fitting i.e. walker, cane, wheelchair, etc.
- iv) The facility does not have, or is not implementing, a plan for monitoring a resident who is unable to use the call bell or the call bell is not within reach of a resident in his or her room who can use the call bell.

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- v) Resident needs and does not have assistive device as ordered by a physician.
 - vi) Staff do not respond when summoned by a resident for help or assistance.
 - vii) Not following physician order on bed rest.
- C) Agency Note
- i) Residents who are totally bedfast will be scored Level 0 for mobility.
 - ii) If resident is unable to use call bell, care plan or Kardex must indicate staff plan for monitoring resident.
 - iii) Bedrest is an order by physician that resident is to be in bed at all times, except up at intervals of no more than one hour up to three times a day, i.e. for meals in room. Scoring will be according to the assistance required and provided.

2) Restorative

A) Verification of Level of Service

- i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- ii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

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B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.
- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) the clinical record, and care plan does not indicate staff is addressing the lack of progress.

- v) Licensed staffs' notations of the resident's response is not documented at least monthly in the clinical record.

C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- iii) Restorative program should address steps of program-reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.

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v) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.

vii) Progress by objective documentation indicating increase in resident's functional level.

viii) Restorative programs must be integrated into the resident's daily care except when contraindicated at which time they should be revised.

ix) Resident independent in mobility due to assistive device may qualify for ADL restorative mobility program and PT when program is to assist resident to move to a less restrictive mode of ambulation otherwise an ADL must be scored a 1 or higher.

x) Prior to a resident being given credit for restorative care in any program, the following must be met: (1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; (2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; (3) program must be reflected in the resident's care plan; (4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the

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clinical record; and (5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 456.380 (1987) (no subsequent dates or editions) for intermediate care facilities and 42 CFR 456.280 (1987) (no subsequent dates or editions) for skilled nursing facilities.

3) Restorative Maintenance

A) Verification of Level of Service

i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.

ii) Observation of this program to ensure plan as specified in the care plan is being implemented.

iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Needs Not Met

i) No assessment/reassessment in the last 90 days.

ii) Restorative intervention not being implemented as specified in the care plan.

iii) Resident is not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or

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registered nurse who has successfully completed an approved rehabilitation course.

- iv) Licensed nurses' notation of the resident's response is not documented at least monthly in the clinical record.

C) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

e) Category 5 - Continence

1) Functional Area

A) Verification of Level of Service

- i) Assessment and care plan or assessment and Kardex.
- ii) Observation of resident to determine overall functional ability.
- iii) Staff should be observed toileting the resident as per resident assessment (Level 2 only).
- iv) Staff's mechanism to identify resident's need to toilet (Level 2 only).
- v) Need for hands-on assistance must be supported by assessment/reassessment.

B) Need Not Met

- i) Facility not following its own protocol for a bowel and bladder program.
- ii) Resident is allowed to remain wet and/or soiled for prolonged periods of

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time as demonstrated by skin irritation, dried urine and/or feces stains in bed linen and/or clothing.

- iii) Resident is not thoroughly cleaned after episode of incontinence as demonstrated by smell of urine/defecation on body and clothing.

- iv) Resident found wet and/or soiled and remains wet and/or soiled thirty minutes after finding.

- v) Staff is not immediately responsive to resident's request for toileting.

C) Agency Note

- i) For the purpose of this item, Level 2 includes informal B & B programs. Level 2 scores include residents who dribble and are assisted to the bathroom.

- ii) If unable to verify level of service through observation of residents being toileted, target 5-12 residents to determine if bed and/or clothing is wet, soiled or if odor of urine or feces is present.

- iii) Assessment as indicated means focusing on the portion of the previously completed overall resident assessment which indicates the resident's bowel and bladder capabilities. The assessment reflects the current needs of the resident.

- iv) Give zero score for resident who dribbles and changes own continence pads.

- v) Prior to a resident being given credit for restorative care in any program,

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the following must be met: (1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist or a registered nurse who has successfully completed an approved rehabilitation course; (2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; (3) program must be reflected in the resident's care plan; (4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record; and (5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team: if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 456.380 (1987)(no subsequent dates or editions) for intermediate care facilities and 42 CFR 456.280 (1987)(no subsequent dates or editions) for skilled nursing facilities.)

f) Category 6 - Psychosocial/Mental Status

1) Verification of Level of Service

A) Observation of actual intervention, i.e. if group, observe group; if 1:1 counseling, observe session; if episodic intervention, observe if possible.

B) Completed assessment identifying resident's current psychosocial needs.

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- C) Staff assessing and implementing programs must be knowledgeable of the individual resident's current program.
- D) Care plan with specific intervention to address identified resident's needs with measurable objectives.
- E) Resident's response to care plan is documented in the clinical record monthly by staff responsible for the program.
- F) OHP is monitoring psychosocial program as evidenced by signing off on the assessment and response notes, with written recommendations as appropriate in the clinical record.
- G) Attendance sheets for scheduled 1:1 and group sessions.
- H) Program plan for scheduled 1:1 and group sessions.
- I) Episodic intervention and response to intervention is documented in the clinical record every other week.
- 2) Need Not Met
- A) Resident is not meeting goal(s) established by OHP or staff responsible for the program. Progress notes or care plan does not indicate staff is addressing the lack of progress.
- B) Care plan is not adhered to. The resident attended less than 85% of these sessions in the last three months and the clinical record does not indicate resident absence was due to illness or absence from the facility.
- C) Groups are larger than eight.
- D) Group programs or 1:1 have no program plan.

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- E) Groups or 1:1 counseling meet less than three times a week.
- F) Documentation of resident's response to intervention is not in the clinical record every month for 1:1 and groups by staff monitoring the program.
- G) OHP is not monitoring psychosocial program as evidenced by absence of signing off on assessment and response notes and there are no written recommendations, as appropriate in the clinical record.
- H) Episodic intervention and resident response to the intervention is not documented every other week in the clinical record.
- I) The assessment for episodic behavior does not include the duration, intensity and frequency of behavior or the precipitating factors and consequences.

3) Agency Note

- A) Psychosocial assessments and program plans must be completed by staff and signed off on by a OHP who have a working knowledge of the current psychosocial programs being implemented with the individual resident.
- B) Interview questions to the staff assessing and implementing programs would include, but are not limited to, the following:
 - i) What program(s) is the resident on?
 - ii) Why is the resident in the program?
 - iii) What is the resident's goal(s)?
 - iv) What is your responsibility in implementing this program (interventions)?

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- v) What is the resident's response to the intervention?
- vi) If the goal is not achieved, what modifications have been made?
- C) If counseling occurs in groups, individuals must have similar problems and goals.
- D) Progress should be noted by objective documentation indicating an increase in functional capability and/or decrease in maladaptive behavior. These measurable objectives and goals should be clearly indicated on the resident's care plan.
- E) Programs consisting solely of episodic intervention should be reserved for resident with severe behavior problems that preclude participation in more structured programs.
- F) The care plan must be interdisciplinary with approaches as appropriate to the individual resident's need.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 147. Table D Service

- a) Category 1 - Appliances
 - 1) Verification of Level of Service
 - A) Physician order
 - B) Care plan or Kardex
 - C) Documentation must include:
 - i) Type of appliance;
 - ii) When to apply; and
 - iii) Care/maintenance.

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- D) Observation of resident wearing appliance and indication that staff assists either with application and/or cleaning or maintenance.
- 2) Need Not Met
- A) Physician has ordered appliance and facility has not complied with physician order.
- B) Appliance is not in use as indicated by observation.
- C) Appliance does not fit properly.
- D) Appliance is dirty.
- E) Appliance is nonfunctional and clinical record does not indicate date of dysfunction or plans for correction.

3) Agency Note

No physician order necessary for appliances resident has on admission, i.e., eyeglasses, dentures.

b) Category 2 - Catheterization1) Verification of Level of Service

- A) Physician order
- B) Care plan or flowsheet or Kardex.
- C) Observation of resident noting type of catheter.
- D) Documentation must include:
- i) Type of catheter;
- ii) Care and maintenance;
- iii) Frequency of intermittent catheterization; and

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- iv) Output for indwelling catheter.
- 2) Need Not Met
- A) Facility does not have protocols for catheterization and catheter care.
- B) Facility not following its own protocol or physician order for catheterization. catheter care or I & O.
- C) Signs of inflammation at insertion site or penile irritation from Texas catheter without clinical record reflecting date of observation; plan of care indicated.
- D) Tubing and/or bag improperly positioned and/or maintained.
- E) Urine sedimentation or urine not clear and clinical record does not indicate observation and subsequent plan of action.
- F) Catheterization rendered by nonlicensed personnel.

3) Agency Note

- A) Protocol must address when intake or output is required.
- B) Protocol must address infection control.
- C) Intermittent catheterization means daily catheterization.
- D) Urine sedimentation would include blood, mucus and/or other matter.
- F) Leg bags can be applied by CNA trained in process when allowed by facility protocol.
- G) Facility protocol should address:
- i) Ongoing inservice education of direct care staff; and

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- ii) Ongoing monitoring of technique of direct care staff.

c) Category 3 - Pressure Ulcer Treatment1) Verification of Level of Service

- A) Physician's order
- B) Care plan or Treatment Plan
- C) Observation of pressure ulcer

2) Need Not Met

- A) Resident has a pressure ulcer and the facility is not addressing either with treatment or preventative program.
- B) Clinical record does not reflect current wound status.
- C) Specific treatment plan not being followed.
- D) Treatment not implemented by licensed personnel.
- E) Facility does not have or follow protocol for pressure ulcer management including notification of physician when pressure ulcer develops or when change in pressure ulcer occurs. Management program must include a resident assessment which addresses the following points:
 - i) Turning and positioning;
 - ii) Nutritional support;
 - iii) Nutritional assessment;
 - iv) ROM;
 - v) Supportive devices; and
 - vi) Infection control.

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3) Agency Note

- A) Score PROM, if it is being carried out according to the guidelines under PROM.
- B) Admission or risk assessment must indicate where pressure ulcer developed.

d) Category 4 - Pressure Ulcer Prevention1) Verification of Level of Service

- A) Assessment to indicate level of risk and reassessment per preventative plan.
- B) Preventative plan is in care plan.
- C) Observation of the resident to verify that the preventative plan is being carried out.

2) Need Not Met

- A) Individualized pressure ulcer preventative plan is not in care plan.
- B) Skin is not intact or signs of breakdown are present and the clinical record does not indicate observation and subsequent change of treatment plan.
- C) Preventative treatment plan not implemented.
- D) Facility is not following pressure ulcer preventative policy and procedures.
- E) Frequency of reassessments must be at least every 90 days, or more frequently if condition changes.

3) Agency Note

- A) Preventative plan must address:
 - i) Frequency of observations of skin condition and documentation in the clinical record; and

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- G) No facility policy and procedure for wound care, including infection control.
- H) Infection control procedures not followed as per facility policy.
- 3) Agency Note
 - A) Wound care (treatment of skin lesion, other than a pressure ulcer) may include wet packs, soaks, whirlpools for open lesions, or ointments when ordered by a physician and applied to lesions.
 - B) "Friction burns" or abrasions resulting from repetitive friction are included in this category as are stasis ulcers, rashes, skin tears.
 - C) Frequency of the documentation and observation of the wound status must be addressed in treatment plan until the wound is healed.

f) Category 6 - Injections

- 1) Verification of Level of Service
 - A) Physician order
 - B) Nurse's signature or initials must follow documentation of administration of injection.
- 2) Need Not Met
 - A) Facility not following physician order.
 - B) Injection site not documented or injection not documented as given.
 - C) Injection site not free of signs of inflammation/irritation and the clinical record does not reflect this observation and there is no subsequent plan of action.
 - D) Injection site not rotated according to

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- ii) Which type of staff should provide this care.
- B) Assessment instruments must be standardized and must differentiate between moderate and high risk.
- C) Score PROM if it is being carried out according to the guidelines under PROM.
- D) If an individualized preventative plan is in question, refer to team physician.

e) Category 5 - Wound Care

- 1) Verification of Level of Service
 - A) Physician's order
 - B) Treatment plan, care plan, Kardex or treatment sheet.
 - C) Observation of wound and treatment being given.
- 2) Need Not Met
 - A) Treatment not implemented using aseptic technique or as indicated in physician's order.
 - B) Care not performed by licensed personnel.
 - C) Wound present with no indication facility staff is aware of wound.
 - D) Clinical record does not reflect current status of the wound.
 - E) Physician is not notified of wound or change in wound status.
 - F) Frequency of the documentation and observation of the wound status is not addressed in the individual treatment plan.

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facility protocol or facility has no protocol for rotation of injection sites.

3) Agency Note

- A) Yearly injections not included, i.e., flu shots, mantoux, etc.
- B) Credit is given for all other injections if the service received within the last six months.

g) Category 7 - Intravenous Therapy: I.V.s and Clysis

1) Verification of Level of Service

- A) Physician's order
- B) Nurse's signature or initials on medication or treatment record.

2) Need Not Met

- A) Insertion site not free of inflammation and the clinical record does not reflect this observation and a subsequent plan of care.
- B) I.V. tubing and dressing changes not done in accordance with facility's protocol.
- C) Facility does not have protocols for I.V.s or clysis.
- D) Facility does not follow it's own protocol on I.V.s or clysis.
- E) I.V. fluids or medications not documented as given per physician orders.
- F) Intake and output not recorded and monitored while on I.V. therapy.

3) Agency Note

- A) If I.V. is for hydration purposes, the clinical record should include documentation

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as to p.o. hydration attempts and resident's poor response.

- B) Credit is to be given for I.V.s or clysis if the service was received within the last six months.

- C) Hickman Catheter, Groshong Catheter and heparin locks are included in this category.

h) Category 8 - Laboratory-Specimen Service

1) Verification of Level of Service

- A) Physician order
- B) Documentation that specimen was obtained by staff.
- C) Lab results conveyed to physician according to facility protocol.

2) Need Not Met

- A) Specimen not collected at specified times.
- B) Facility has no lab protocol.
- C) Staff does not adhere to facility's protocol for subsequent actions following receipt of laboratory report.
- D) Physician orders lab and facility does not complete.
- E) Site from which specimen is drawn not rotated according to facility protocol or facility has no protocol for rotation of injection sites.

3) Agency Note

A) Protocol should address:

- i) Level of staff who will collect each type of specimen:

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ii) How specimens should be stored prior to testing.

iii) How licensed staff is informed of results of lab specimens collected by unlicensed staff; and

iv) How licensed staff document action taken with specimen results.

B) Routine voided specimens are scored here.

C) A physician referral should be made when a case manager questions whether lab work is necessary.

i) Category 9 - Medications/Medication Monitoring

1) Verification of Level of Service

A) Physician order

B) Nurse's signature or initials on the medication record following administration of medicine.

2) Need Not Met

A) Facility does not have a protocol for self-medication or psychotropic drug management.

B) Facility has not established medication protocol.

C) Facility does not follow medication protocol as established.

D) PRN medication given and reason for administration and response is not documented.

E) Clinical record does not indicate resident's allergy, if applicable.

F) Resident not given adequate hydration following ingestion of medications unless

medications given with solids.

G) Medication not documented as given and no documentation of reason medication was held.

H) Medication not given within one (1) hour of scheduled time.

I) Medication monitoring is not consistent.

J) Medicated patches and topical medications are not rotated.

3) Agency Notes

A) While there is no specific time limit on the duration of med monitoring, there must be evidence that the resident has not stabilized.

B) Medications are scored the day of the survey unless a routine pattern has been established, i.e., every three days or every other day.

C) Monitoring for injections is covered under the injections category.

D) If the case manager wants verification from team physician as to whether special monitoring is necessary, mark physician referral.

E) Example of "off hours or by multiple routes":

i) Oral medication given at 10 a.m., 3 p.m., 7 p.m., and 11 p.m.;

ii) Eye drops administered in left eye in the morning, in addition to oral medications; and

iii) Application of topical medications, i.e., nitro pads, nitro paste, estrogen patches, etc., or the use of an oral inhaler, i.e., Provental, Alupent, Aerobid, etc.

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i) Category 10 - Occupational Rehabilitative Services

1) Verification of Level of Service

- A) Physician order
- B) Assessment and program planned by the therapist.
- C) Observation of COTA/L, or rehabilitation aide conducting therapy sessions.
- D) Monthly review of progress documented by the OTR/L or, if written by the COTA, co-signed by the OTR/L.
- E) Assessment every 90 days.
- F) Corresponding ADL or psychosocial (for MI diagnosis) program has been developed and implemented.

2) Need Not Met

- A) When plan is not implemented as specified by the therapist.
- B) Goals are not designed to increase resident's functional capabilities.
- C) Resident is not meeting goal(s) and clinical record does not indicate staff is addressing lack of progress.
- D) Resident attended less than 85% of the scheduled sessions in the last three months or since the service began, if less than three months, and clinical record does not indicate resident absenteeism was due to illness or absence from the facility.
- E) Rehab aide is not a CNA or equivalent. Rehab aide has not received specified training, or has not been enrolled in a rehabilitation course as outlined and approved by IDPA within 90 days of the

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beginning date of employment in the rehab aide position.

3) Agency Note

- A) Reimbursement for this item includes assessment done by registered OTR.
- B) The nurse case manager must verify the accuracy of the rehabilitation records by checking the clinical records of at least 25% of the residents in therapy, verifying services were delivered.
- C) If progress was not made within two months and goals or interventions were not changed, do not score.
- D) Progress should be noted by standard acceptable OTR objective measures.
- E) Staffing ratios for rehabilitation 1:30 (per total enrollment)-98 minutes.
- F) Rehabilitation groups are limited to four residents with similar goals and levels of functioning.
- G) Prior to a resident being given credit in occupational rehabilitative services, the following must be met:
 - i) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.
 - ii) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.

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- ii) The occupational rehabilitation aide must be a certified nurse's aide, or have a related degree, or two years of college in a related field, or an approved 36 hour activity course and has received specified training as outlined and approved by the Department of Public Aid.

- iii) For residents with a mentally ill diagnosis, if occupational rehabilitation is scored, a psychosocial and/or a corresponding ADL program must have been developed and scored.

k) Category 11 - Physical Rehabilitation Services

1) Verification of Level of Service

- A) Physician order
- B) Assessment and program planned by the therapist.
- C) Observation of PTA or rehabilitation aide conducting therapy sessions.
- D) Monthly review progress documented by the RPT or, if written by the PTA, co-signed by the RPT.
- E) Assessment every 90 days.
- F) Corresponding ADL program or psychosocial (for MI diagnosis) program has been developed and implemented.

2) Need Not Met

- A) When plan is not implemented as specified by the therapist.
- B) Goals are not designed to increase resident's functional capabilities.

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- C) Resident is not meeting goal(s) and clinical record does not indicate staff is addressing lack of progress.
- D) Resident attended less than 85% of the scheduled sessions in the last three months or since the service began, if less than three months, and clinical record does not indicate resident absenteeism was due to illness or absence from the facility.
- E) Rehab aide is not a CNA or equivalent. Rehab aide has not received specified training, or has not been enrolled in a rehabilitation course as outlined and approved by IDPA within 90 days of the beginning date of employment in the rehab aide position.

3) Agency Note

- A) Reimbursement for this item includes assessment done by registered PT.
- B) The nurse case manager must verify the accuracy of the rehabilitation records by checking the clinical records of at least 25% of the residents in therapy, verifying services were delivered.
- C) If progress was not made within two months and goals or interventions were not changed, do not score.
- D) Progress should be noted by standard acceptable PT objective measures.
- E) Staffing ratios for rehabilitation 1:30 (per total enrollment)-98 minutes.
- F) Rehabilitation groups are limited to four residents with similar goals and levels of functioning.
- G) Prior to a resident being given credit in physical rehabilitation services, the following must be met:

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- i) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.
 - ii) The physical rehabilitation aide must be a certified nurse aide, or have completed at least one year of nurses training and have received specified training as outlined and approved by the Illinois Department of Public Aid.
 - iii) For residents with a mentally ill diagnosis, if physical rehabilitation is scored, a psychosocial and/or a corresponding ADL program must have been developed and scored.
- 1) Category 12 - Passive Range of Motion (PROM)
- 1) Verification of Level of Service
 - A) Care plan or Treatment Sheet.
 - B) Observation of resident to determine overall ability to use extremities.
 - C) Observation of staff actually performing PROM and indication that plan is carried out regularly and routinely.
 - D) Residents with existing contractures must have physician's orders although PROM for most residents does not require a physician's order.
 - E) Monthly documentation of resident's response to intervention in clinical record. Documentation may be done by the staff providing the service.
 - 2) Need Not Met
 - A) Facility has no PROM protocol.

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- B) The plan as indicated on the care plan or Treatment Sheet is not being implemented and documented.
 - C) Documentation of resident's response to intervention is not documented in clinical record at least monthly.
 - D) Resident has contractures or is at risk of developing contractures that are not being addressed.
- 3) Agency Note
- A) PROM that is also part of a pressure ulcer treatment and/or prevention program will be scored in both places.
 - B) The required documentation should reflect the resident's response to treatment, i.e., resident is able to raise arm shoulder level; the resident remains contracture free.
 - C) PROM protocol must address:
 - i) On-going inservice education of direct care staff; and
 - ii) On-going monitoring of PROM technique of direct care staff.
 - D) CNA may document response to PROM if cosigned by licensed staff.
- m) Category 13 - Ostomy Care
- 1) Verification of Level of Service
 - A) Physician order
 - B) Observation of ostomy care and a review of the treatment plan.
 - 2) Need Not Met
 - A) Facility does not have protocol for ostomy care.

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- B) Staff does not adhere to physician's orders or facility's protocol and written procedures for ostomy care and maintenance.
- C) Excoriation observed with no indication in the clinical record and the plan of care is not altered.
- D) Care not performed by licensed personnel, other than routine change of colostomy bag.

3) Agency Note

- A) Colostomy bag can be changed by a CNA trained in ostomy care when allowed by facility protocol (Level 1 only).
- B) Facility protocol should address:
 - i) Ongoing inservice education of direct care staff; and
 - ii) Ongoing monitoring of technique of direct care staff.

n) Category 14 - Respiratory Therapy

1) Verification of Level of Service

- A) Physician order must include: delivery system, oxygen flow rate and/or frequency of IPPB treatments.

B) Observation of therapy.

2) Need Not Met

- A) Facility does not have protocol for respiratory therapy.
- B) Respiratory therapy protocol is not being followed.
- C) Treatment is ordered, but not carried out as specified.

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- D) Equipment soiled and/or nonfunctional or not available.

3) Agency Note

- A) Level 1 resident is capable of administering own therapy.
- B) Level 2 resident is totally dependent upon staff for administration.
- C) Protocol should address:
 - i) Which staff provide which type service;
 - ii) Infection control procedures;
 - iii) Staff training required to carry out these services; and
 - iv) Frequency for assessment of respiratory status should be recorded in the clinical record.
- D) Score if oxygen required and received within last six months. In this case, observation is not necessary.
- E) Intensity code scoring is to reflect current level of needs.

o) Category 15 - Suctioning

1) Verification of Level of Service

- A) Physician order
- B) Observe treatment

2) Need Not Met

- A) Facility does not have protocol for suctioning.
- B) Staff does not follow facility protocol.
- C) Care not performed by licensed personnel.

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D) Equipment soiled and/or nonfunctional and/or not readily available.

3) Agency Note

A) Facility's protocol should address guidelines for maintaining sterility and/or cleanliness of catheters.

B) Suctioning done during tracheostomy care is included as part of tracheostomy care. Additional suctioning must be done at other times to be scored here.

C) Review last 30 days documentation to score this section.

D) Facility must have protocol on postural drainage, percussion and vibration.

p) Category 16 - Tracheostomy Care

1) Verification of Level of Service

Physician order

2) Need Not Met

A) Facility has no tracheostomy care protocol.

B) Staff does not follow physician's order or facility's protocol for tracheostomy care.

C) Care not performed by licensed personnel.

D) An extra tracheostomy tube, the same size as the one in place, is not available at the bedside.

E) Tracheostomy care is not documented.

F) Equipment soiled and/or nonfunctional and/or not readily available.

3) Agency Note

A) Protocol should address:

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Section 147. Table D Service (Cont'd.)

i) Training licensed staff must have prior to providing this service.

ii) Guidelines for infection control;

iii) Frequency for observations of ostomy site and respiratory status should be recorded in the clinical record; and

iv) Guidelines for maintaining sterility and/or cleanliness of catheters.

B) Only suctioning done during tracheostomy care is scored here.

q) Category 17 - Discharge Planning

1) Verification of Level of Service

A) Care plan.

B) Indication plan is being followed.

2) Need Not Met

Plan not being followed.

3) Agency Note

A) Discharge must be to less restrictive environment, i.e., shelter care, room and board or independent living arrangements and anticipated within three (3) months.

B) Credit may be given for discharge planning if the service was received within the last six (6) months.

r) Category 18 - Health & Fitness Program

1) Verification of Level of Service

A) Fitness card

B) Observation of program to see that the plan is being carried out as written on the fitness card.

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Section 147, Table D Service (Cont'd.)

- 2) Need Not Met
- A) Health and Fitness program developed by unlicensed staff.
- B) Plan not carried out.
- C) Equipment required to carry out fitness program, as required on the fitness card, is soiled and/or nonfunctioning, or is not available.
- D) The resident's response to intervention is not documented in the clinical record once a month.
- E) Groups are larger than six (6) unless activity is a team sport.
- 3) Agency Note
- A) The program may also be developed by an Occupational Therapist, Physical Therapist, Certified Therapeutic Recreation Specialist, a Physician or Psychiatrist.
- B) Do not score when resident does not carry out fitness program an average of three (3) times per week.
- C) Activity programs including exercises must be separate and apart from health and fitness.
- D) Fitness programs must address all extremities, unless contraindicated.
- E) Unlicensed staff may document response to Health and Fitness Program if cosigned by licensed staff.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 147, Table E Therapy Services

- a) Category - Speech Language Pathology and Audiology (SLP/A) Rehabilitative Services

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Section 147, Table E Therapy Services (Cont'd)

- 1) Verification of Level of Service
- A) Observation of treatment and monthly therapist review documentation. This review documentation must indicate progress.
- B) Assessment
- C) Speech Pathologist's or Audiologist's treatment notes.
- D) Monthly Reevaluation
- 2) Agency Note
- A) The nurse must verify the accuracy of this record by checking the clinical record of 25% of the residents in treatment, verifying both that services were delivered and progress was made. If progress was not made, only allow two months of treatment.
- B) If progress was made, therapy can continue.
- C) Progress must be noted by standard speech therapist/audiologist objective measures.
- D) Goals must be designed to increase resident's functional means of communication and/or ability to swallow.
- E) Treatment sessions should be one-on-one; however, groups of two are acceptable if resident's goals and functional levels are similar.
- b) Category - Physical Therapy and Related Rehabilitative Services
- 1) Verification of Level of Service
- A) Physical Therapy I
- i) Observation of PT conducting therapy sessions.
- ii) Physical therapist's (PT) documentation

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Section 147. Table E Therapy Services (Cont'd.)

of resident's progress toward goals monthly.

iii) Assessment by PT.

B) Physical Therapy II

i) Physician order.

ii) Physical therapy program planned by PT.

iii) Observation of PTA conducting therapy sessions.

iv) Physical Therapist Assistant (PTA) documentation of resident's progress toward goals monthly.

v) PT reviews and cosigns PTA's documentation of progress monthly.

vi) Assessment by PT.

2) Agency Note

A) The nurse must verify the accuracy of this record by checking the clinical records of 25% of the residents in therapy, verifying both that services were delivered and progress was made. If progress was not made, only allow the length of treatments indicated below.

i) PT 1 - 2 Weeks

ii) PT 2 - 3 Weeks

B) If progress was made, therapy can continue.

C) Progress should be noted by standard acceptable PT objective.

D) Staffing ratios for therapies is PT 1 - 1:1.5 (per 98 minutes) and PT 2 - 1:1.5 (per 98 minutes).

c) Category - Physical Therapy Assessment

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Section 147. Table E Therapy Services (Cont'd.)

1) Verification of Level of Service

A) PT written assessment.

B) Program designed by PT to increase resident's functional level.

C) Therapist's signature on assessment and reassessment.

D) A reassessment of progress and program as indicated in the restorative program by PT.

E) Documentation, by the nursing department, in the clinical record of resident's response to the interventions.

2) Agency Note

A) Assessment time is included in minutes allotted for level 1, 2 and 3 therapies.

B) Assessment time is limited to 28 minutes per resident per month.

d) Category - Occupational Therapy and Related Rehabilitative Services

1) Verification of Level of Service

A) Occupational Therapy I

i) Physician order.

ii) Observation of OTR/L conducting therapy sessions.

iii) Registered occupational therapist's (OTR/L) documentation of resident's progress toward goals monthly.

iv) Assessments by OTR/L.

B) Occupational Therapy II

i) Physician order.

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Section 147. Table E Therapy Services (Cont'd.)

Section 147. Table E Therapy Services (Cont'd.)

- ii) Occupational therapy program planned by OTR/L.
- iii) Observation of COTA/L conducting therapy sessions.
- iv) Certified occupational therapy assistant/licensed (COTA/L) documentation of resident's progress toward goals monthly.
- v) OTR/L reviews and cosigns COTA/L's documentation of progress monthly.
- vi) Assessment by OTR/L.

2) Agency Note

- A) The nurse must verify the accuracy of this record by checking the clinical records of 25% of the residents in therapy, verifying both that services were delivered and progress was made. If progress was not made, only allow the length of treatments as indicated below.
- i) OT 1 - 2 Weeks
- ii) OT 2 - 3 Weeks

- B) If progress was made, therapy can continue.
- C) Progress should be noted by standard acceptable OT objective measures.
- D) Use of Paraffin Heat Treatments, Fluidotherapy, whirlpool may be scored when ordered by physician and carried out.
- E) Staffing ratios for therapies is OT 1 - 1.5 (per 98 minutes) and OT 2 - 1:1.5 (per 98 minutes).

e) Category - Occupational Therapy Assessment

- 1) Verification of Level of Service

- A) Physician order.
- B) OTR/L written assessment.
- C) Program designed by resident's functional level.
- D) Therapist's signature on assessment and reassessment.
- E) A reassessment of progress and program as indicated in the restorative program by OTR/L.
- F) Documentation, by the nursing department, in the clinical record of resident's response to the interventions.

2) Agency Note

Assessment time is limited to 28 minutes per resident per month.

(Source: Added at 15 Ill. Reg. _____, effective _____)

Section 147. Table F Determinations

INSTRUCTIONS: Circle Codes Y or N, or in #3, recommended level as appropriate under each item.

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
1) Facility Referral	Y = Resident has unmet needs in functional or service areas of N's circled under A: Physician Service areas or D: Social Services and the facility must develop a plan for correction.	N = Resident has no unmet needs and/or resident is not being referred

2) Present Level of Care (Level currently certified) CODE LEVEL CERTIFIED BY PHYSICIAN ON FORM DPA 2448

1 = SNF 6 = Psychiatric Hospital Sheltered care and Room and Board residents are not assessed during the IOC process.

2 = ICF 6 = Psychiatric Hospital

3 = Sheltered 7 = ICF/DD 4 = Room and 8 = ICF/MR (SNF/PED) Board

4 = Resident is receiving appropriate level of care and may remain in this facility.

2 = Resident is not receiving appropriate level of care and 2 or 4 will be referred to the team physician. DPA 2704 must be completed for resident marked 2 or 4.

3 = Resident is not currently receiving appropriate level of care. Resident may remain in the facility. However, certified DPA 2448 is needed reflecting changed level of care.

4 = Resident has potential for discharge.

2) Present Level of Care (Level currently certified) CODE LEVEL CERTIFIED BY PHYSICIAN ON FORM DPA 2448

1 = SNF 6 = Psychiatric Hospital Sheltered care and Room and Board residents are not assessed during the IOC process.

2 = ICF 6 = Psychiatric Hospital

3 = Sheltered 7 = ICF/DD 4 = Room and 8 = ICF/MR (SNF/PED) Board

4 = Resident is receiving appropriate level of care and may remain in this facility.

2 = Resident is not receiving appropriate level of care and 2 or 4 will be referred to the team physician. DPA 2704 must be completed for resident marked 2 or 4.

3 = Resident is not currently receiving appropriate level of care. Resident may remain in the facility. However, certified DPA 2448 is needed reflecting changed level of care.

4 = Resident has potential for discharge.

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
	contesting any level of scoring on this form.	
(Source: Added at 15 Ill. Reg. _____, effective _____)		

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
Adequate Activities	Y = The resident has a current activity plan of care and is receiving an appropriate activity program.	Adequate Activities Needs Not Met
	N = Activity needs of the resident are not being met by the facility.	A) There is no assessment of activity needs. B) Assessment does not reflect current interests and needs. Initial activity plan has not been established.
	MAKE BRIEF CONCISE STATEMENT REGARDING UNMET NEEDS AND/OR RECOMMENDATIONS.	C) Minimum standards for activities have not been met. D) Activity plan has not been individualized. E) Activities have not been incorporated into the inter-

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
1) HFSN ID NUMBER	NUMBER MUST BE WRITTEN IN THE FOLLOWING SEQUENCE. REGION NUMBER (TWO DIGITS) HFSN ID NUMBER (THREE DIGITS) e.g., 07140.	
2) ASSESSMENT DATE	THE ASSESSMENT DATE MUST BE ENTERED AS A SIX (6) DIGIT NUMBER ON EACH FORM COMPLETED e.g., 09/08/86.	
3) HFSN SIGNATURE	FULL NAME OF NURSE COMPLETING THE FORM.	
4) EXIT DATE	DATE THE EXIT CONFERENCE CONCLUDED. THE EXIT DATE MUST BE ENTERED AS A SIX (6) DIGIT NUMBER ON EACH FORM e.g., 09/09/86. THIS DATE MUST CORRESPOND TO THE LAST DATE IN SECTION A-5, DATE OF REVIEW, DPA 2702.	
5) SOCIAL WORKER ID NUMBER	NUMBER MUST BE WRITTEN IN THE FOLLOWING SEQUENCE WHEN THERE IS A SOCIAL WORKER SIGNATURE: REGION NUMBER (TWO DIGITS) SOCIAL WORKER	

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
	disciplinary care plan. G) Progress notes are not current (quarterly).	
(Source: Added at 15 Ill. Reg. _____, effective _____)		

Signatures (Cont'd.)

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
6) ASSESSMENT DATE	ID NUMBER (THREE DIGITS) e.g. 07098	
	THE ASSESSMENT DATE MUST BE ENTERED AS A SIX (6) DIGIT NUMBER WHEN THERE IS A SOCIAL WORKER SIGNATURE e.g. 09/08/86.	
7) SOCIAL WORKER SIGNATURE	FULL NAME OF SOCIAL WORKER (MAC II).	
	(Source: Added at 15 Ill. Reg. _____, effective _____)	

Section 147.Table I Rehabilitation Services

- a) Occupational Therapy and Related Rehabilitative Services Measurement of Progress

1) Independent Living/Daily Skills

- A) Physical Daily Living Skills (DLS). Measurable outcomes could include:

- i) Decreasing assistance to perform a specific task component of a DLS - not necessarily decreased assistance needed in the entire category.

Example: Resident is able to lift cup off table to drink (may remain dependent in feeding).

- ii) Grading methods should show progression such as: unable to perform activity; activity requires maximal physical assistance (resident attempts to help but completes no part of task); activity requires moderate physical assistance (resident able to do approximately 1/2 of activity);

Rehabilitation Services (Cont'd.)

activity requires minimal physical assistance (resident able to do 3/4 of activity); activity requires supervision or verbal cues; or activity is performed appropriately, safely, independently, and consistently in a reasonable amount of time.

- B) Psychological/Emotional Daily Living Skills
- Measurable outcomes could include:
decreasing exhibition of inappropriate behavior as shown through percentage of time or number of repetitions within a specified length of time; increasing exhibition of appropriate behavior as shown through percentage of time or number of repetitions within a specified length of time.

Examples: i) Decreases rocking to 25% of the day.

- ii) Verbalizes less than three (3) self depreciatory or destructive statements per day.

- iii) Contributes to group discussion 3 X in one hour session.

2) Sensorimotor Components

- A) Measurable outcomes could include:

- i) Reflex Integration: decreasing percentage of abnormal reflexes during occupational performance or task oriented activity.

- ii) Range of Motion: goniometrics showing an increase in range of motion.

- iii) Gross and Fine Coordination: effect of decreasing time on task completion, including percentage of task completed and/or number of repetitions

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Section 147. Table I Rehabilitation Services (Cont'd.)

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completed. Effect of decreasing time on accuracy in task completion, including percentage of task completed and/or numbers of repetitions completed.

- iv) Strength and Endurance: measurable outcomes could include: * 1) increasing dynamometer measurements; 2) increasing amount of weight, load, resistance; 3) increasing number of repetitions; 4) increasing duration of tasks; 5) changes in heart rate, pulse rate, blood pressure, respirations per minute; and 6) manual muscle test.

B) Sensory Integration

Sensory awareness, visual-spatial awareness, body integration, perception or differentiation of external and internal stimuli, as evidenced by objective measurements such as: *

- i) Number;
- ii) Duration;
- iii) Degree of performance; and
- iv) Decreased error of performance

3) Cognitive Components

Measurable outcomes could include increased memory, problem solving, conceptualization, attention span as evidenced by objective measurements such as:

- A) Number;
- B) Duration;
- C) Degree of performance; and
- D) Decreased error of performance

4) Psychosocial Components

Measurable outcomes could include: *

- A) Decreasing exhibition of inappropriate behavior as shown through percentage of time or number of repetitions within a specified length of time; and
- B) Increasing exhibition of appropriate behavior as shown through percentage of time or number of repetitions within a specified length of time.

5) Therapeutic Adaptations

- A) Orthotics/prosthetics; and
- B) Assistive/adaptive equipment
- C) Measurable outcomes could include: *

- i) Increased Range of Motion (ROM);
- ii) Decreased contractures;
- iii) Prevention of further contractures;
- iv) Increased functional use; and
- v) Competency in use of equipment towards increased function

NOTE: Staff requirements include provision of equipment such as splints, prosthetics, and orthotic devices.

* Measure against a functional expectation considering the age and projected potential of each resident.

b) Physical Therapy and Related Rehabilitative Services Measurement of Progress

- 1) Goniometrics - measuring ROM in degrees
- 2) Manual muscle test (MMT) measure of muscle strength.

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Section 147. Table I Rehabilitation Services (Cont'd.)

- 0 zero
1 trace
2 poor
3 fair
4 good
5 normal
+ greater than
- less than

- 3) Increasing repetitions.
4) Increasing distance.
5) Balance measured by muscle strength: poor, fair, good, normal.
6) Changing gait deviation to improve functional ambulation.
7) Progression to a less restrictive assistive device.

c) Speech Language Pathology/Audiology Rehabilitative Services Measurement of Progress

Types of modalities and activities which are typical for gaining functional abilities in geriatric population include but are not limited to:

- 1) Auditory Comprehension
A) Comprehension and understanding of common, functional words.
B) Comprehension and completion of directives.
C) Comprehension and concepts of time, place, description, etc.; and
D) Comprehension and conversation, subtleties of language, meaning, etc.
2) Speech Production
A) Improvement of oral-motor skills.
B) Production of isolated sounds (phonemes):

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Section 147. Table I Rehabilitation Services (Cont'd.)

- C) Production of sounds in syllables, words, phrases, connected speech;
D) Ability to use an appropriate vocal level with adequate breath support; and
E) Ability to utilize appropriate vocal quality for intelligible speech.

3) Expression

- A) Ability to name (imitatively-spontaneously) common, functional items;
B) Ability to verbally produce meaningful and functional utterances (imitatively, spontaneously, self initiated); and
C) Ability to express wants/needs, etc. through alternative means of communication (i.e. communication board, electronic communication device, etc.).

4) Aural Rehabilitation

Goals established only after an audiologic evaluation has been completed. A resident who exhibits a moderate to severe loss of hearing (i.e., 50dB SRT (Speech Reception Threshold) or greater loss in the better ear and/or an aided discrimination score of less than 70% accuracy in the aided ear) would be eligible for an Aural Rehabilitation Program.

- A) Ability to achieve speech reading skills;
B) Ability to discriminate words, sounds, etc. for effective comprehension;
C) Ability of resident to achieve more independent operation of the hearing aid; and
D) Ability of resident to effectively and independently utilize environmental controls to compensate for their loss of hearing (i.e. eye contact, preferential seating, utilize better ear, etc.)

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Section 147. Table I Rehabilitation Services (Cont'd.)

- 5) Voice Disorders
- A) Achieve appropriate balance of oral/nasal resonance for effective communication;
 - B) Achieve use of proper vocal intensity, pitch or vocal quality for effective communication;
 - C) Achieve effective use of esophageal speech (for laryngectomized residents); and
 - D) Achieve use of appropriate augmentative system of communication when indicated (use of electrolarynx, etc., for laryngectomized resident)

d) Progress is indicated when the following types of notation is observed in a resident's chart:

- 1) There is a decrease in the number of repetitions of directives or models required in order to achieve task completion.
- 2) There is a decrease in the number of cues required in order to achieve task completion. A cue is any verbal or nonverbal signal which stimulates task completion (i.e. residents with word finding problems may require cueing of an open ended sentence, residents with motor/speech problems may require a cue of oral configuration, etc.).
- 3) Tasks are completed in a more independent manner. Abilities to complete a skill move along a hierarchy from totally dependent to independent use of a skill:
 - A) Imitative;
 - B) Cued;
 - C) Structured;
 - D) Nonstructured; and
 - E) Independent production.

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Section 147. Table I Rehabilitation Services (Cont'd.)

- 4) Tasks move in a hierarchy of the types of errors made in patient's/resident's responses:
 - A) Totally incorrect response;
 - B) Related error;
 - C) A response requiring a repeat of directives or a cue;
 - D) Self corrected response;
 - E) Incomplete response;
 - F) Delayed response; and
 - G) Complete independent immediate response.
- 5) Tasks are completed in a hierarchy of complexity of resident's response:
 - A) Verbal Expression
 - i) imitation of word
 - ii) single word production from cue
 - iii) independent production of single word
 - iv) use of word in a structured phrase
 - v) use of word in a nonstructured phrase
 - vi) use of word in structured sentence
 - vii) use of word in nonstructured sentence
 - viii) use in independent sentences in connected utterances
 - ix) self initiation of thoughts, wants, needs, feelings, etc.
 - B) Motor-Speech
 - i) imitation of oral postures;

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Section 147. Table I Rehabilitation Services (Cont'd.)

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ii) imitation of phonemes in isolation;

iii) imitation of phonemes in single syllable contexts;

iv) spontaneous production in single syllable contexts;

v) imitation in single words;

vi) spontaneous production in single words;

vii) imitation of the word in phrase;

viii) spontaneous production of the word in phrase; and

ix) spontaneous self-initiated production in connected speech

C) Dysphagia

i) able to effect a lip seal to hold bolus in oral cavity;

ii) able to maintain adequate jaw range of motion for mouth opening (up/down) and chewing (rotary), adequate tongue range of movement to: a) hold bolus; b) manipulate bolus, c) propel bolus into the pharynx;

iii) able to trigger a swallow reflex within one second;

iv) able to move food through the pharynx to the esophagus;

v) able to protect the airway well enough to prevent aspiration during a swallow (maintain complete laryngeal closure);

vi) able to tolerate liquids by mouth for primary or supplemental nutrition;

vii) able to tolerate pureed consistencies

by mouth for primary or supplemental nutrition;

viii) able to tolerate masticated consistencies by mouth for primary or supplemental nutrition;

ix) able to coordinate a cough to clear residue from the pharynx or larynx;

x) able to learn the supraglottic swallow;

xi) able to learn to coordinate postural change and tongue and laryngeal involvement.

6) There is an increase in the percentage of correct responses observed in the resident's completion of tasks.

7) There is an increase in the resident's level of functioning as demonstrated by formal testing (i.e. higher verbal scores for expressive language disorders, improved scores in tests of speech reading for aural rehabilitation patients, etc.)

8) Resident's skills become more functional in nature and are generalized and carried over to contexts outside of the therapeutic environment.

(Source: Added at 15 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: Technology Commercialization Grant-In-Aid Programs

- 2) Code Citation: 14 Ill. Adm. Code 540

- 3) Section Numbers: Adopted Action:

540.110	New Section
540.120	New Section
540.130	New Section
540.140	New Section
540.150	New Section
540.160	New Section
540.170	New Section
540.180	New Section
540.190	New Section

- 4) Statutory Authority: Implementing Section 46.19a and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.19a and Ill. Rev. Stat. 1989, ch. 127, par. 46.40(b)).

- 5) Effective Date of Amendments: January 11, 1991

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these amendments contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: January 7, 1991.

- 9) Notice of Proposal Published in Illinois Register: July 13, 1990, 14 Ill. Reg. 11022.

- 10) Has JCER issued a Statement of Objections to these amendments? No.

- 11) Differences between proposal and final version:

Section 540.110

In lines 4 and 8, changed "will" to "shall".

In line 9, after "training program" inserted "as defined in 56 Ill. Adm. Code 2650.20".

Section 540.120

Added a definition for "Certified Development Corporations".

Added a definition for "Designated Zone Organizations".

Placed all terms being defined in the Section in quotation marks.

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- In line 2 of the definition of "Local Revolving Fund (RLF)", inserted "all or a portion of" after "which".

Section 540.130

Deleted all language in the second line of subsection(a) and replaced it with "if sufficient monies are allocated for the program".

In lines 2, 4, and 5 of subsection(b) and lines 2 and 3 of subsection(c), replaced "will" with "shall".

Section 540.140

In line 6 of subsection(a), changed "will" to "shall".

Added the following language to the end of subsection(a): "AGENCY NOTE: The Department will be looking for examples of absence of lending in certain geographical areas, relatively high or floating interest rates for all or certain types of loans because the bank's costs of funds is high or variable, unavailability of loans that are a longer term (greater than five years) because the bank's deposits are also short term, and unavailability of lending capital or limits on the size of available capital. A deposit to investment ratio of less than 20% would indicate a conservative posture of local banks. A weak entrepreneurial environment or low number of new business start ups in an area would indicate problems or weaknesses in the ability of conventional lenders to serve borrowers and business financing needs."

Made the following changes to subsection(b): in line 2, changed "target" to "geographic"; in lines 5 and 6, replaced "areas of high poverty or in enterprise zones" with "a county, multi-county area, statewide, etc."; and in line 9, inserted "full-time or part-time businesses or" before "jobs".

In line 3 of subsection(c), changed "will" to "shall".

In line 7 of subsection(c), replaced "agency" with "organization".

In line 2 of subsection(d), changed "will" to "shall".

Deleted the last sentence of subsection(d).

In lines 2 and 4 of subsection(e), changed "will" to "shall".

Deleted the last sentence of subsection(e).

Made the following changes to subsection(f): in line 1, deleted "(Credit Analysis)"; in line 2, changed "will" to "shall" and replaced "a standard financial" with "an"; in lines 3 and 4, deleted "and credit analysis,"; and in line 5, deleted "credit analysis".

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In line 4 of subsection(g), changed "will" to "shall".

In the first line of subsection(h), changed "will" to "shall".

Section 540.150

In line 1 of subsection(a) and line 2 of subsection(b), changed "will" to "shall".

Inserted the following language after the first sentence of subsection(b): "The application evaluation process consists of a review by staff selected from various divisions of the Department. This staff reviews the applications using the Likert Ranking System in a competitive individual case by case study. Elements are of general equal weight. (All evaluation personnel then rerank the highest rated applications for a final rank order, with the highest selected for funding.)"

Inserted the following language to the end of subsection(b)(1): "Economic distress and financial needs may be documented by providing data from the U.S. Bureau of Labor Statistics or Illinois Department of Employment Security reflecting area specific unemployment rates, hours and earnings of production workers, help wanted indexes, bankruptcy filings, personal income, new business incorporations, interest rates, deposit to loan ratios of lending institutions, etc.;"

In line 1 of subsection(b)(2), inserted "necessity, sufficiency, and consistency" after "The"; placed "merits" in parentheses; and deleted "consistency of".

In line 3 of subsection(c) and lines 1 and 3 of subsection(d), changed "will" to "shall".

Section 540.170

In line 2 of subsection(a) and line 2 of subsection(b), changed "will" to "shall".

In lines 1 and 2 of subsection(d), deleted "provide systems to".

Rewrote line 1 of subsection(e) to read: "Reports -- The Department shall require that on a bi-monthly, quarterly, or, at a minimum, a semi-annual basis,".

Inserted "repayments received," after "loaned," in line 5 of subsection(e).

In line 6 of subsection(e), changed "45" to "15".

Added the following language to the end of subsection(e): "Incomplete reports shall be returned to the Project Operator with deficiencies

NOTICE OF ADOPTED AMENDMENTS

noted."

Deleted "grant agreement" in lines 2 and 3 of subsection(g) and added "Secretary of State's regulations (44 Ill. Adm. Code 4000) and the Records Act (Ill. Rev. Stat. 1989, ch. 116, par. 43.4 et seq.)."

Inserted a new subsection(h) which specifies requirements regarding "Historic Preservation".

Added a new subsection(i) which specifies provisions governing "Relocation".

Section 540.180

The first sentence of subsection(a) has been revised to read: "A recipient's financial management system shall include cash management, signature authority, and bonding requirements and shall be structured to meet the accounting standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (September 19, 1987 with no later amendments or editions.)"

The first sentence of subsection(b) has been rewritten as follows: "Matching funds for an RLF project shall consist of cash funds and in-kind services made available and used in the project, under the control of the Project Operator."

Deleted the second sentence of subsection(b).

Added the following language to the end of the first sentence of subsection(c): "pursuant to the Illinois Public Accounting Act (Ill. Rev. Stat. 1989, ch. 111, pars. 5500.01 et seq.)".

Added the following language to the end of the second sentence of subsection(c): "adopted by the AICPA (1989 with no later amendments or editions)".

Section 540.190

In line 7 of subsection(a)(2), inserted "of the program application contents set out in Section 540.140" after "objectives".

In line 3 of subsection(b)(1), changed "may" to "shall".

In lines 3 and 4 of subsection(c)(1), changed "will" to "shall".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: A new program has been added under the Technology Commercialization Grant-In-Aid Program rules (14 Ill. Adm. Code 540). The heading of the Part has therefore been changed to the "Technology Commercialization Grant-In-Aid Programs." The original program, described in Sections 540.10 through 540.70, has been labeled "SUBPART A: TECHNOLOGY CENTER PROGRAM." New Sections 540.110 through 540.190 have been added under "SUBPART B: ENTREPRENEURIAL INVESTMENT INITIATIVE PROGRAM." Rules governing this new program provide the program purpose; definitions; application availability; program application contents; application review process; general terms for revolving fund loans; administrative standards; financial assistance standards; and modification, suspension, and termination of grants.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 540

TECHNOLOGY COMMERCIALIZATION GRANT-IN-AID PROGRAMS

SUBPART A: TECHNOLOGY CENTER PROGRAM

Section	
540.10	Purpose of Program (Repealed)
540.20	Definitions
540.30	Program Responsibilities
540.40	Application Package
540.50	Review of Applications
540.60	Eligible Grant Categories and Activities
540.70	Program Administration Requirements

SUBPART B: ENTREPRENEURIAL INVESTMENT INITIATIVE PROGRAM

Section	
540.110	Purpose
540.120	Definitions
540.130	Application Availability
540.140	Program Application Contents
540.150	Application Review Process
540.160	General Terms for RLF Loans
540.170	Administrative Standards
540.180	Financial Assistance Standards
540.190	Modification, Suspension and Termination of Grants

AUTHORITY: Implementing Section 46.19a and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.19a and Ill. Rev. Stat. 1989, ch. 127, par. 46.40(b)).

SOURCE: Adopted at 9 Ill. Reg. 2256, effective February 6, 1985; amended at 9 Ill. Reg. 15829, effective October 9, 1985; amended at 15 Ill. Reg. 973, effective January 11, 1991.

NOTE: Capitalization denotes statutory language.

SUBPART B: ENTREPRENEURIAL INVESTMENT INITIATIVE PROGRAM

Section 540.110 Purpose

The Entrepreneurial Investment Initiative Program provides matching grant funds to eligible local economic development agencies so that the local agency can make loans to start-up businesses to encourage new business formation. Under this program, the Department shall issue a request for

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proposals to economic development agencies, seeking those that wish to operate a Revolving Loan Fund including projects targeted to serving low-income, unemployed individuals. Those agencies selected for participation shall either operate or coordinate with a self-employment training program as defined in 56 Ill. Adm. Code 2650.20. Once approved, the economic development agency would be authorized to submit requests to draw against funding allocated by the Department, up to the amount of commitment made to the local economic development agency subject to appropriation by the General Assembly.

(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)

Section 540.120 Definitions

"Certified Development Corporations" -- Not-for-profit financial intermediaries that are made up of both public and private investment partners who have long-term participation agreements or equity investments with the corporation and can show letters of commitment or letters of credit to that effect as well as articles of incorporation or by-laws providing proof of authority to operate in the State of Illinois.

"Department" -- The Illinois Department of Commerce and Community Affairs.

"Designated Zone Organizations" -- Those economic development agency organizations located in areas designated as enterprise zones, areas which can provide certain tax credits, worker benefits and other incentives to stimulate economic growth.

"Economic Development Agency" -- For the purposes of this Part, includes non-profit regional planning commissions, certified development corporations, non-profit organizations, designated zone organizations, universities, community colleges, community action agencies, and small business development centers.

"Grant Agreement" -- The contractual agreement between the Department and recipient, which includes the scope of work to be provided, the time period for performance of the agreement, the budget, and all terms and conditions of the contract.

"Local Revolving Loan Fund (RLF)" -- A pool of funds from which loans are made and to which all or a portion of recaptured interest and principle are paid on an ongoing basis, initially capitalized with Department funds and local funds of at least 50 percent of the Department's share.

"Project Operator" -- Any economic development agency proposing or managing a local revolving loan fund.

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"Recipient" -- Any economic development agency receiving grant funds under this program and administering a local Revolving Loan Fund.

(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)

Section 540.130 Application Availability

a) Grant applications shall be made available on an annual basis if sufficient monies are allocated for the program.

b) Any economic development agency seeking grant monies to set up and operate a Revolving Loan Fund shall submit a grant application on forms provided by the Department. A standard grant application form shall be used statewide. Upon request, the Department shall supply potential applicants with the application package.

c) Public notice of the availability of grant applications and the application due date shall be published in the state recognized newspaper. Applications shall be due on specific dates established by the Department. The due date shall be no less than 45 days after publication of the public notice.

(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)

Section 540.140 Program Application Contents

Applications must address the following items:

a) Needs Within the Local Capital Market -- Provide information on the local financial markets, including banking philosophy in the area, constraints imposed on development by local lending policies of financial institutions and the availability of private capital to invest. Describe how the local revolving loan fund project shall be designed to directly address those constraints that have been identified. Show the extent to which the local demand for public loans justifies the size of the grant being requested. AGENCY NOTE: The Department will be looking for examples of absence of lending in certain geographical areas, relatively high or floating interest rates for all or certain types of loans because the bank's costs of funds is high or variable, unavailability of loans that are a longer term (greater than five years) because the bank's deposits are also short term, and unavailability of lending capital or limits on the size of available capital. A deposit to investment ratio of less than 20% would indicate a conservative posture of local banks. A weak entrepreneurial environment or low number of new business start ups in an area would indicate problems or weaknesses in the

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ability of conventional lenders to serve borrowers and business financing needs.

- b) Business and Job Development Strategy -- Identify the types of eligible borrowers which are to be served and the geographic area to be served such as: supporting entrepreneurial and self-employment opportunities; serving local area low-income and unemployed residents; serving individuals within a county, multi-county area, statewide, etc.; or assisting those who are unable to secure credit from conventional sources. Also list the job development goals of the RLF project, for example, the expected ratio of new full-time or part-time businesses or jobs created by a borrower to the amount of RLF proceeds provided.

- c) Staffing and Management Activities -- Describe the procedures and demonstrate the capacity to manage and operate the RLF locally. Describe how the project shall carry out loan packaging and processing, servicing, tracking repayments, and collection processes. Provide proof of authority to operate a revolving loan fund, including, as appropriate, articles of incorporation, by-laws, and a resolution of the board of directors of the organization authorizing participation.

- d) Individual Loan Standards -- Describe the parameters under which RLF loan financing shall be provided to a borrower. Identify the types of loans anticipated (for example deferred loans, debt with equity features or others), the interest rates to be charged, allowable uses of funds, and length of loans expected.

- e) Budget and RLF Capital Management Strategy -- Identify the amount and from what source(s) the Project Operator shall provide a match for the Department's grant, at least equal to one-half the amount of the grant from the Department, which shall serve as the source(s) of capital to start the RLF. Describe how these other financing sources will be induced to participate.

- f) Financial Evaluation -- Describe procedures to assure that eligible borrowers which shall be financed from the local RLF shall undergo an evaluation and state the qualifications, experience, and responsibility of the parties involved in this process.

- g) Loan Agreement -- Describe elements of the loan agreement, loan security and collateral, and insurance requirements, so as to assure adequate protection of the use of funds. Describe the role the Project Operator shall play in establishing terms for the loans and in monitoring the progress of the loan. Describe procedures for handling defaulted loans.

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- h) Marketing Activities -- Show how the RLF project shall be adequately marketed to eligible start-up businesses. Detail clearly the outreach activities, types of local application materials, direct advertising, community discussions, or linkages with potential referral sources.

- i) Business Assistance Strategy -- Describe mechanisms to be used to assure that borrowers (start-up business owners receiving financial assistance) have received business training and education, or have completed a Self-Employment Training Course, have a business and finance plan, and have experience in the proposed business area. In addition, identify support service mechanisms to provide ongoing management support, technical assistance, and guidance to the start-up business.

(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)

Section 540.150 Application Review Process

- a) Department staff shall screen applications to determine that all minimum requirements of the application package have been addressed. Applications will be reviewed in accordance with Department review criteria noted in subsection (b) of this Section.

- b) A request for a grant to set up and operate a Revolving Loan Fund shall be evaluated in accordance with the requirements of this subsection. The application evaluation process consists of a review by staff selected from various divisions of the Department. This staff reviews the applications using the Likert Ranking System in a competitive individual case by case study. Elements are of general equal weight. (All evaluation personnel then rerank the highest rated applications for a final rank order, with the highest selected for funding.) The review of applications submitted by the due date shall be completed no more than 45 working days after the application due date, with grant awards being announced at the end of that period. Applications will be comparatively evaluated on the basis of:

- 1) The geographic area to be served, the extent of economic distress and unemployment in the area to be served, and the nature of financial needs of the area. Economic distress and financial needs may be documented by providing data from the U.S. Bureau of Labor Statistics or Illinois Department of Employment Security reflecting area specific unemployment rates, hours and earnings of production workers, help wanted indexes, bankruptcy filings, personal income, new business incorporations, interest rates, deposit to loan ratios of lending institutions, etc.;

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- 2) The necessity, sufficiency, and consistency (merits) of the proposed work plan and proposed activities with requirements of Sections 540.140 and 540.160;
 - 3) The demonstrated capability and past experience of the applicant in managing the work activities similar to those proposed;
 - 4) The amount of matching funds, as authorized pursuant to Section 540.180, shall be provided, at a minimum, at an amount of at least 50 percent of the Department's share, and preferably 100 percent of the Department's share;
 - 5) Letters of cooperation between the proposed program and a self-employment training course;
 - 6) The level of economic development results expected including but not limited to new businesses started, jobs created, and private funds leveraged; and
 - 7) The extent to which those organizations have not previously been assisted with a Department grant (which could be or is being used as a Revolving Loan Fund).
- c) Applications which best meet the evaluation standards of subsection (b) of this Section will be selected for funding. Priority shall be given to programs which serve high poverty areas, enterprise zones or both.
 - d) Upon selection, the Department shall notify applicants of the amount of grant, if any, which may be used to set up and operate the local Revolving Loan Fund. The Department shall issue a grant agreement for signature by the local Project Operator.

(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)

Section 540.160 General Terms for RLF Loans

- a) Business Plans -- The RLF Operator shall assure that all loan APPLICATIONS SHALL CONTAIN A CERTIFICATION AND ASSURANCE THAT THE SMALL BUSINESS APPLICANTS HAVE RECEIVED BUSINESS DEVELOPMENT TRAINING OR EDUCATION, HAVE A BUSINESS AND FINANCE PLAN AND HAVE EXPERIENCE IN THE PROPOSED BUSINESS AREA (Section 46.19a(2)(f) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.19 a(2)(f)).
- b) Loan Approval -- The RLF Operator is ultimately responsible for receiving business plans, approving loans for eligible borrowers, arranging for loan closing, securing signed notes and collateral

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agreements for the loan, filing Commerce Commission notices, securing a first source (employment) agreement if needed, disbursing RLF loan proceeds to the borrower, administration of the loan portfolio, servicing of loan repayments and all other duties and responsibilities for operation of the RLF.

(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)

Section 540.170 Administrative Standards

- a) Grant Agreement -- During formal negotiations and discussions held with the Department, the Department and the applicant shall agree to the scope of work of the grant agreement and the period of the grant agreement which shall be no longer than two years.
- b) Complaint Process -- In the event of a complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- c) Administrative Costs -- The Project Operator may use up to 10 percent of the grant funds for administrative costs as specified in the grant agreement.
- d) Conflict of Interest -- Each Project Operator shall assure there is no conflict between borrowers and members of the applicant's staff, board or loan review committee to the extent that no staff, board or loan review committee member shall have any financial interest in nor shall the member profit from, any loan to a borrower.
- e) Reports -- The Department shall require that on a bi-monthly, quarterly, or, at a minimum, a semi-annual basis, reports shall be prepared by the Project Operator pertaining to and describing items such as its progress in lending funds, specific business assisted and jobs created, the amount of funds loaned, repayments received, and jobs created or retained. A copy shall be delivered to the Department within 15 calendar days of the end of each designated period. Incomplete reports shall be returned to the Project Operator with deficiencies noted.
- f) Record Review and Monitoring -- Recipients and their subcontractors, if any, must permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to examine any documents, papers and records of the recipient involving transactions related to a grant under this program, for three (3) years from the date of submission of the final progress report or until audit findings have been resolved, whichever is later.

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- g) Record Retention Requirements -- All recipients must maintain records in accordance with the provisions contained in the Secretary of State's regulations (44 Ill. Adm. Code 4000) and the Records Act (Ill. Rev. Stat. 1989, ch. 116, par. 43.4 et seq.).
- h) Historic Preservation -- Grantees shall require from third parties receiving financial assistance, certification that the project does not involve the destruction, alteration, renovation, transfer or sale, or utilization of an historic property, structure or structures, or the introduction of visual, audible or atmospheric elements to an historic property, structure or structures, and will, therefore, not result in any changes in the character or use of any historic property.
- i) Relocation -- Grantees shall require from third parties receiving financial assistance, certification that the project does not involve relocating a facility or workers from any location in Illinois outside of the community in which the business project will be conducted.

(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)

Section 540.180 Financial Assistance Standards

- a) Financial Management System -- A recipient's financial management system shall include cash management, signature authority, and bonding requirements and shall be structured to meet the accounting standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (September 19, 1987 with no later amendments or editions). The recipient is accountable for funds received under this grant and shall maintain effective control and accountability over all funds and other assets under the grant.
- b) Matching Funds -- Matching funds for an RLF project shall consist of cash funds and in-kind services made available and used in the project, under the control of the Project Operator. Other contributions which take the form of loans from a financial institution or other lender directly to an eligible business venture are not considered match to the RLF.
- c) Audits -- The recipient shall be responsible for securing an audit of all loan records and such audit must be performed by an independent public accountant, certified and licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act (Ill. Rev. Stat. 1989, ch. 111, pars. 5500.01 et seq.). The audit must be conducted in accordance with generally accepted auditing standards adopted by the AICPA (1989 with no later amendments or editions).

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(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)
Section 540.190 Modification, Suspension and Termination of Grants

- a) Modification and Amendment of the Grant -- The grant award is subject to revision as follows:
- 1) Modifications by Operation of Law -- The grant award is subject to such modifications as may be required by changes in State law or regulations. Any such required modification shall be incorporated into and made a part of the grant within the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2301 et seq.). The Department shall notify in writing the recipient of any amendment to such regulations.
 - 2) Modifications in Budget -- A recipient's request for budget variations in the amount or line item costs shall be in writing by registered letter and shall give justifications for the requested variations. The Department may approve modification requests, if, in the Department's sole determination, such is necessary to achieve program objectives of the program application contents set out in Section 540.140. Any changes in cost categories or line items shall not alter the activities or deliverables for the project. If the Department approves the modification request, the recipient will be notified in writing of the change and the effective date of the change.
 - 3) Other Modifications by Department or Recipient -- If either the Department or the recipient requests to modify the terms of the grant award other than as set forth in subsections (a)(1) and (2) above, written notice of the proposed modification shall be given to the other party. No modification shall take effect unless agreed to in writing by both the Department and the recipient.
- b) Suspension --
- 1) If the Department believes that a recipient has failed to faithfully perform the terms and conditions of the scope of work of the project, then the Department shall suspend the grant and withhold further payments until the grant is terminated, or the recipient's failure has been corrected. The recipient may appeal such decision as provided in Section 540.170(b) of this Subpart.
 - 2) The Department will determine that a recipient has failed to faithfully perform the terms and conditions of the scope

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of work of the project when:

A) The Department has notified the recipient in writing of the existence of circumstances such as repeated failure to submit required reports; misapplication of grant funds; evidence of fraud and abuse; repeated failure to meet performance objectives, timelines, or standards; failure to provide or substantiate matching funds; or failure to resolve negotiated points of the agreement; and

B) The recipient fails to develop and implement a corrective action plan satisfactory to the Department within 30 calendar days of the Department's notice.

c) Termination of Financial Assistance -- Financial assistance shall be terminated for the following reasons:

1) Termination Due to Loss of Funding -- In the absence of State funding for a specific year, all grants that year shall be terminated in full. In the event of a partial loss of State funding, the Department shall make proportionate cuts to all recipients.

2) Termination for Cause -- If the Department determines that the recipient has failed to comply with the terms and conditions of the financial assistance; has failed to observe or perform or cause the observance or performance of any covenant contained in the agreement; or any statement, certification, representation or warranty made by or on behalf of the recipient shall prove to have been untrue or incorrect in any material respect when made, the Department shall terminate the grants in whole, or in part, at any time before the date of completion.

3) Termination by Agreement -- The Department and the recipient shall terminate the grant in whole, or in part, when the Department and the recipient agree that the continuation of the project would not produce beneficial results commensurate with the future expenditures of funds.

(Source: Added at 15 Ill. Reg. 973, effective January 11, 1991)

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1) Heading of the Part: HEALTH CARE

2) Code Citation: 20 Ill. Adm. Code 415

3) Section Numbers: Adopted Action:

415.15 Amend
415.20 Amend
415.30 Amend
415.70 Add

4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1003-2-2).

5) Effective Date of Amendments: January 12, 1991

6) Does this rulemaking contain an automatic repeal date? Yes X No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 7, 1991

9) Notice of Proposal Published in Illinois Register:

September 21, 1990 14 Ill. Reg. 15228
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? Yes
If answer is "yes," please complete the following:

A) Statement of Objection:

December 28, 1990 14 Ill. Reg. 21107
(issue date)

B) Agency Response:

January 25, 1991 15 Ill. Reg. 1168
(issue date)

C) Date Agency Response Submitted for Approval to JCAR: January 7, 1991

11) Difference(s) between proposal and final version: In subsection 415.20 (d)(2), the word "seriously" has been added immediately before "jeopardize".

In Section 415.70: subsection (a)(1) has been reworded; in subsection (a)(2), "the facts and underlying reasons supporting the determination" has been added after "medical file;" subsection (b) has been modified to further delineate requirements of the Treatment Review Committee; subsection (b)(1) has been modified to require a staff member to be designated to assist the inmate involved in Treatment Review committee proceedings and further provides staff assigned may not be involved in the current decision to order medication; in subsections (b) and (b)(1) and (2), "issues" has been further clarified as "procedural and mental health issues;" new subsections (b)(5) and (7) have been added and other subsections have been renumbered accordingly; in subsection (b)(6), "by the Committee" has been added after "interviewed;" and subsection (b)(11) has been modified to require a Committee decision to approve involuntary psychotropic medication to be unanimous; and subsection (h) has been modified to require reasonable attempts to notify parents or guardians of minors under the age of 18 at least 72 hours prior to the hearing.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These rules provide procedures for the involuntary administration of psychotropic medication to committed persons, including hearings and appeals in regard to such administration of medication. In addition, statutory citations have been updated and the rule has been modified to require the Department to provide information and counseling to committed persons in regard to termination of pregnancies.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: William H. Craine, Ph.D., Deputy Director
Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: 217/522-2666

The full text of the Adopted Amendments begins on the next page:

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER d: PROGRAMS AND SERVICES

PART 415
HEALTH CARE

Section	
415.10	Applicability
415.15	Responsibilities
415.20	Definitions
415.30	Medical and Dental Examinations and Treatment
415.40	Mental Health Services
415.50	Mental Health Examinations and Treatment for Guilty but Mentally Ill
415.60	Review of Placements in a Specialized Mental Health Setting
415.70	Involuntary Administration of Psychotropic Medication

AUTHORITY: Implementing Sections 3-2-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3 and 5-2-6 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1003-2-2, 1003-7-2, 1003-8-2, 1003-10-2, 1003-10-3 and 1005-2-6) and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1003-7-1).

SOURCE: Adopted at 8 Ill. Reg. 14496, effective August 1, 1984; amended at 11 Ill. Reg. 10240, effective June 1, 1987; emergency amendment at 14 Ill. Reg. 13316, effective August 15, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 988, effective January 12, 1991.

Section 415.15 Responsibilities

- a) Unless otherwise specified, the Director, or Chief Administrative Officer, or Agency Medical Director may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a rule in this Part specifically states the Director, or Chief Administrative Officer, or Agency Medical Director shall personally perform the duties. However, the Director, or Chief Administrative Officer, or Agency Medical Director may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Amended at 15 Ill. Reg. 988, effective January 12, 1991)

Section 415.20 Definitions

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a) "Agency Medical Director" means the Medical Director of the Department of Corrections.

b) "Communicable disease" means a disease caused by an organism which is transmitted through airborne means and/or casual contact, or through blood or bodily secretion contact from one human being to another.

c) "Department physician or dentist" means any physician or dentist who provides services for the Department.

d) "Gravely disabled" means a condition in which a committed person, as a result of a mental illness or mental disorder:

- 1) Is in danger of serious physical harm resulting from his failure to provide for his essential human needs of health or safety; or
- 2) Manifests serious deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his actions which is likely to seriously jeopardize his health or safety.

e) "Likelihood of serious harm" means:

- 1) A substantial risk that physical harm will be inflicted by a committed person upon his own person as evidenced by, among other things, threats or attempts to commit suicide or inflict physical harm on one's self; or
- 2) A substantial risk that physical harm will be inflicted by a committed person upon another as evidenced by, among other things, behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or
- 3) A substantial risk that physical harm will be inflicted by a committed person upon the property of others as evidenced by, among other things, behavior which has caused substantial loss or damage to the property of others.

f) "Mental health professional" means a psychiatrist, physician, psychiatric nurse, clinical clinically trained psychologist or an individual who has a master's degree in social work and clinical training.

g) "Physician" means an individual who is licensed by the State of Illinois to practice medicine in all of its branches.

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(Source: Amended at 15 Ill. Reg. 988, effective January 12, 1991)

Section 415.30 Medical and Dental Examinations and Treatment

- a) Within seven working days of admission to a reception and classification center, each committed person shall be given a physical examination by a physician and immunized as prescribed by the physician.
- b) Each committed person shall be examined by a dentist within 10 working days of admission to a reception and classification center. The dentist shall be responsible for charting the oral cavity and classifying dental health.
- c) Emergency treatment shall be available to committed persons 24 hours a day.
- d) A health care unit or area shall be established at each correctional facility within the Adult and Juvenile Divisions. Committed persons shall be admitted to the health care unit or area as determined by health care personnel.
- e) Committed persons shall be informed of the institutional procedures for obtaining medical, dental or mental health services.
- f) Persons committed to the Adult and Juvenile Division facilities shall be provided medical and dental treatment, with the consent of the parent or guardian where applicable, as prescribed by a Department physician or dentist.
- g) A committed person who has or is suspected of having a communicable disease may be isolated from other committed persons. This determination shall be made by a physician as deemed medically necessary.
- h) In case of critical illness or major surgery, the Chief Administrative Officer shall attempt to notify the person designated by the committed person to be contacted in case of an emergency and, where applicable, the parent or guardian.
- i) The decision to continue or terminate a pregnancy is a medical determination which shall be made by the committed person in consultation with her physician.
- j) Committed persons contemplating an abortion shall be **permitted to obtain** provided with information and counseling concerning the nature, the consequences, and any risks associated with the procedure and available alternatives.

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- file the facts and underlying reasons supporting the determination that the standards in subsection (a)(1) have been met and:
- A) The Chief Administrative Officer shall be notified as soon as practicable; and
 - B) Unless the medication was administered in an emergency situation, the Chairperson of the Treatment Review Committee shall be notified in writing within three days.

b) Treatment Review Committee Procedures

The Treatment Review Committee shall be comprised of two members appointed by the Chief Administrative Officer, both of whom shall be mental health professionals, and one of whom shall be a physician. One member shall serve as Chairperson of the Committee. Neither of the Committee members may be involved in the current decision to order the medication. The members of the Committee shall have completed a training program in the procedural and mental health issues involved which has been approved by the Agency Medical Director.

- 1) The Chief Administrative Officer shall designate a member of the program staff not involved in the current decision to order medication to assist the committed person. The staff assistant shall have completed a training program in the procedural and mental health issues involved which has been approved by the Agency Medical Director.
- 2) The committed person and staff assistant shall receive written notification of the time and place of the hearing at least 24 hours prior to the hearing. The notification shall include the tentative diagnosis and the reasons why the medical staff believes the medication is necessary. The staff assistant shall meet with the committed person prior to the hearing to discuss the procedural and mental health issues involved.
- 3) The committed person shall have the right to attend the hearing unless the Committee determines that it is likely that his attendance would subject him to substantial risk of serious physical or emotional harm or pose a threat to the safety of others. If such a determination is made, the facts and underlying reasons supporting the determination shall be documented in the committed person's medical file. The staff assistant shall appear at the hearing whether or not the committed person appears.

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- 2) Committed persons shall be granted a furlough for the purpose of obtaining an abortion. Committed persons shall be permitted to accept funds for an abortion from local community charities or other sources.
- j) A record of all medical and dental examinations, findings, and treatment shall be maintained.

(Source: Amended at 15 Ill. Reg. 988, effective January 12, 1991)

Section 415.70 Involuntary Administration of Psychotropic Medication

a) Administration of Psychotropic Medication

- 1) Psychotropic medication shall not be administered to any committed person against his will or without the consent of the parent or guardian of a minor who is under the age of 18 and confined in the Juvenile Division, unless:

- A) A psychiatrist, or in the absence of a psychiatrist a physician, has determined that:
 - i) The committed person suffers from a mental illness or mental disorder; and
 - ii) The medication is in the medical interest of the committed person; and
 - iii) The committed person is either gravely disabled or poses a likelihood of serious harm to himself or others; and
- B) The administration of such medication has been approved by the Treatment Review Committee after a hearing (see subsection (b)). However, no such approval or hearing shall be required when the medication is administered in an emergency situation. An emergency situation exists whenever the required determinations listed in subsection (a)(1)(A) have been made and a psychiatrist, or in the absence of a psychiatrist a physician, has determined that the committed person poses an imminent threat of serious physical harm to himself or others. In all emergency situations, the procedures set forth in subsection (e) shall be followed.

- 2) Whenever a physician orders the administration of psychotropic medication to a committed person against his will, the physician shall document in the committed person's medical

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- 4) The documentation in the medical file referred to in subsection (a)(2) shall be reviewed by the Committee and the Committee may request the physician's personal appearance at the hearing.
- 5) Prior to the hearing, witnesses identified by the committed person and the staff assistant may be interviewed by the staff assistant after consultation with the committed person as to appropriate questions to ask. Any such questions shall be asked by the staff assistant unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
- 6) Prior to the hearing, the committed person and the staff assistant may request in writing that witnesses be interviewed by the Committee and may submit written questions for witnesses to the Chairperson of the Committee. These questions shall be asked by the Committee unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility. If any witness is not interviewed, a written reason shall be provided.
- 7) Prior to the hearing, the committed person and the staff assistant may request in writing that witnesses appear at the hearing. Any such request shall include an explanation of what the witnesses would state. Reasonable efforts shall be made to have such witnesses present at the hearing, unless their testimony or presence would be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility, or for other reasons including, but not limited to, unavailability of the witness or matters relating to institutional order. In the event a requested witness is unavailable to appear at the hearing but is otherwise available, he shall be interviewed by the Committee as provided for in subsections (6) and (9).
- 8) At the hearing, the committed person and the staff assistant may make statements and present documents which are relevant to the proceedings. The staff assistant may direct relevant questions to any witnesses appearing at the hearing. The committed person may request that the staff assistant direct relevant questions to any witnesses appearing at the hearing and the staff assistant shall ask such questions unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
- 9) The Committee shall make such investigation as it deems necessary. The staff assistant shall be informed of any

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- investigation conducted by the Committee and shall be permitted to direct relevant questions to any witnesses interviewed by the Committee. The staff assistant shall consult with the committed person regarding any statements made by witnesses interviewed by the Committee and shall comply with requests by the committed person to direct relevant questions to such witnesses unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
 - 10) The Committee shall consider all relevant information and material which has been presented in deciding whether to approve administration of the medication.
 - 11) A written decision shall be prepared and signed by all members of the Committee which contains a summary of the hearing and the reasons for approving or disapproving the administration of the medication. Copies of the decision shall be given to the committed person, the staff assistant, and the Chief Administrative Officer. Any decision by the Committee to approve involuntary administration of psychotropic medication must be unanimous. The Chief Administrative Officer shall direct staff to comply with the decision of the Committee.
 - 12) If the Committee approves administration of the medication, the committed person shall be advised of the opportunity to appeal the decision to the Agency Medical Director by filing a written appeal with the Chairperson within five days of the committed person's receipt of the written decision.
- c) Review by Agency Medical Director
- 1) If the committed person appeals the Treatment Review Committee's decision, staff shall continue to administer the medication as ordered by the physician and approved by the Committee while awaiting the Agency Medical Director's decision on the appeal.
 - 2) The Chairperson of the Committee shall promptly forward the written notice of appeal to the Agency Medical Director or a physician designated by the Agency Medical Director.
 - 3) Within five working days of his receipt of the written notice of appeal, the Agency Medical Director shall:
 - A) Review the Committee's decision, make such further investigation as he deems necessary, and submit a written decision to the Chief Administrative Officer; and

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B) Provide a copy of the written decision to the committed person, the staff assistant, and the Chairperson of the Committee.

4) The Chief Administrative Officer shall direct staff to comply with the decision of the Agency Medical Director.

d) Periodic Review of Medication

1) Whenever any committed person has been involuntarily receiving psychotropic medication continuously or on a regular basis for a period of six months, the administration of such medication shall, upon the committed person's written request, be reviewed by the Treatment Review Committee in accordance with the procedures enumerated in subsections (b) and (c). Every six months thereafter, for so long as the involuntary medication continues on a regular basis, the committed person shall have the right to a review hearing upon written request.

2) Every committed person who is involuntarily receiving psychotropic medication shall be evaluated by a psychiatrist at least every 30 days, and the psychiatrist shall document in the committed person's medical file the basis for his decision to continue the medication.

e) Emergency Procedures

Subsequent to the involuntary administration of psychotropic medication in an emergency situation:

1) The basis for the decision to administer the medication shall be documented in the committed person's medical file and a copy of the documentation shall be given to the committed person and to the Agency Medical Director for review.

2) A mental health professional shall meet with the committed person to discuss the reasons why the medication was administered and to give the committed person an opportunity to express any concerns he may have regarding the medication.

f) Documentation

Copies of all notifications and written decisions shall be placed in the committed person's medical file.

g) Grievances

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A committed person may submit a grievance concerning the involuntary administration of psychotropic medication directly to the Administrative Review Board in accordance with 20 Ill. Adm. Code 504. Subpart F. In considering the grievance, the Board shall confer with the Agency Medical Director.

h) Minors in the Juvenile Division

In the case of a committed person who is a minor under the age of 18 and confined in the Juvenile Division, the parent or guardian shall be sent the documentation and written decisions that are provided to the committed person pursuant to this Section and shall be permitted to attend and participate in any proceedings required by this Section. Notice of any Treatment Review Committee hearing shall be promptly sent to the parent or guardian and reasonable attempts shall be made to provide such notice at least 72 hours prior to the hearing.

(Source: Added at 15 Ill. Reg. 988, effective January 12, 1991)

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will the proposed rule replace an emergency rule currently in effect? No.

14) Are there any other proposed amendments pending on this Part? No.

15) Summary and purpose of rules: 20 Ill. Adm. Code 1720

The purpose of these rules is to delete standards concerning threshold weight and body fat as a part of testing requirements for physical fitness entrance standards into Board-certified academies. This deletion of that requirement will allow a consistent testing procedure for all academies throughout the State of Illinois.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Terrence Tranquilli
Deputy Director
Illinois Local Governmental
Enforcement Officers Training Board
Suite 400, Lincoln Tower Plaza
Springfield, IL 62706

The full text of the Adopted Rules begins on the next page:

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1) Heading of the Part: Illinois Police Training Act

2) Code Citation: 20 Ill. Adm. Code 1720

3) Section Numbers: Adopted Action:
1720.30 Amendment
1720. Appendix A Amendment

4) Statutory Authority: Illinois Revised Statutes, 1989, ch. 85, par. 507

5) Effective Date of Rules: January 14, 1991

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this proposed amendment contains incorporations by reference? No.

8) Date Filed in Agency's Principal Office: January 1, 1990

9) Notice of Proposal Published in Register: October 5, 1990
(14 Ill. Reg. 16198)

10) Has JCAR Issued a Statement of Objections to this (these) Rules? No

11) Differences between the proposed rules and the final version are: The following changes have been made to this rulemaking:

In response to comments by the Office of the Secretary of State, Section 1720.30(h) has deleted No. One (1) and, therefore, the remaining numbers have been renumbered. Therefore, what was formerly numbers 2, 3, 4 and 5 are now numbered 1, 2, 3 and 4.

In Section 1720.30(h)(3) in the second sentence, spaces between "in" and "Appendix A" have been deleted.

In Section 1720 Appendix A, No. 1 has been deleted and, therefore, numbers 2, 3, 4 and 5 have been renumbered to be 1, 2, 3 and 4.

Pursuant to discussions with the Joint Committee on Administrative Rules, the Board has agreed to change the "1987" in the authority note to read "1989".

The Board has agreed to change "board" to read "Board" in Section 1720.30(a), line 3.

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LOCAL GOVERNMENTAL LAW
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PART 1720
ILLINOIS POLICE TRAINING ACT

Section	Course Requirements
1720.10	Minimum Requirements of the Trainee
1720.20	Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination
1720.25	School Standards and Requirements
1720.30	Qualification of Police Instructors
1720.40	Reimbursements
1720.50	Requirements of Participating Local Agencies
1720.60	Minimum Training Requirements for Illinois Sheriffs
1720.70	Physical Fitness Standards

APPENDIX A

AUTHORITY: Implementing and authorized by the Illinois Police Training Act (Ill. Rev. Stat. 1989, ch. 85, par. 501 et seq.)

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill. Reg. 11232; amended at 8 Ill. Reg. 12259, effective July 1, 1984; amended at 11 Ill. Reg. 16692, effective October 6, 1987; amended at 12 Ill. Reg. 3728, effective February 2, 1988; amended at 13 Ill. Reg. 19957, effective December 11, 1989; amended at 14 Ill. Reg. 14800, effective September 4, 1990; amended at 15 Ill. Reg. 999, effective January 14, 1991.

Section 1720.30 School Standards and Requirements

- Each local school or course certified by the Board shall operate, for the duration of the school or course, under a full-time Director approved by the Executive Director of the Board.
- The designated Director shall assume the responsibility of the overall supervision of the school, including the preparation and grading of examinations, rating of classroom notebooks, arranging for qualified instructors, providing for food and lodging for the trainees where appropriate, arranging for adequate training facilities such as classrooms, props, gymnasium and safe firearms ranges, and the conduct and discipline of the trainees.
- The designated Director shall maintain complete records on each trainee and, at the conclusion of the course, submit such records to the Executive Director of the Board for filing in such form as he may require. A copy of the performance record of each trainee shall also be furnished the employing agency including demeanor and deportment of the trainee.
- The designated Director shall make final determination as to whether a

trainee has satisfactorily passed all reasonable standards and requirements of a particular course of training. He shall also have the authority to dismiss from the school any trainee prior to the completion of the course, if, in the opinion of the designated Director, the trainee is unable or unwilling to satisfactorily complete the prescribed course of training. Immediately upon such dismissal action, the designated Director shall submit a written report to the Executive Director and the appointing authority.

e) The designated Director shall also have the responsibility of fixing reasonable fees to be charged for any training course, including tuition and room and board where applicable. The local governmental agency employing the trainee shall pay such fees directly to the training school or sponsoring agency.

- A formal letter of application for certification of a training course under the Illinois Police Training Act must be submitted to the Executive Director by the sponsoring agency and/or the course Director. Such application must include course objectives, curriculum outline, a brief description of what is taught under each topic, the complete schedule of the school (hour by hour and day by day and lesson plans) and the names and qualifications of the instructors to be used. It should also list the specific location of the physical facilities to be used, including firearms ranges and detailed justification regarding fees to be charged as set forth in paragraph (e) above. Applications shall be submitted at least forty-five (45) days prior to the next regularly scheduled meeting of the Board.
- After the complete program of the proposed course is evaluated, the applicant will be notified by the Executive Director as to whether the course is approved or disapproved.
- The designated Director shall have the responsibility of administering the Board's Physical Fitness Training Standards to all trainees before they commence the Minimum Basic Standard Law Enforcement Training Course. A trainee must successfully meet the Board's Physical Fitness Training Standards as described in Section 1720.30(h).
- Every trainee shall be required to perform and successfully complete all of the Board's physical fitness tests in the sequence delineated in this Section. The tests shall be as follows:
 - Every trainee shall meet the Board's sit and reach standard as defined in Appendix A.
 - Every trainee shall meet the Board's one (1) minute sit-up standard as defined in Appendix A.
 - Every trainee shall meet the Board's benchpress standard as

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- defined in Appendix A.
- 45) Every trainee shall meet the Board's 1.5 mile run standard as defined in Appendix A.
- i) If a trainee fails any standard in Section 1720.30(h), the designated Director is authorized to administer the minimal physical fitness sequence to the trainee on one more occasion. A trainee only needs to retake the standards of the sequence he or she failed. The retake of a sequence must not be administered before 48 hours have elapsed following the conclusion of the trainee's first physical fitness test, nor later than 72 hours after the conclusion of the first test.

(Source: Amended at 15 Ill. Reg. 999 effective
January 14, 1991)

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Section 1720. APPENDIX A Physical Fitness Standards

17. THRESHOLD-WEIGHT:--This-is-the-weight-that-has-been-determined-as-the weight-necessary-to-17-perform-police-tasks-without-undo-effort7-and 27-to-minimize-health-problems--due-to-overfatness---the-score-is pounds-per-height-in-inches

18. For-these-individuals-not-meeting-the-threshold-weight-a-fat test-will-be-given---this-is-the-percentage-of-body-fat-that-has-been determined-as-the-level-of-overfatness-that-poses-a-health-risk---it is-measured-with-a-skinfold-caliper-at-selected-skinfold-sites---the score-is-in-a-fat-percentage

THRESHOLD-WEIGHT-----Threshold-weight-is-determined-by-the-following formula:--Height-in-inches-divided-by-12.37---if-the-individual-is over-the-threshold-weight-then-hershe-will-be-checked-by-skinfolds-for percent-body-fat

HT/IN	THRESHOLD WEIGHT	HT/IN	THRESHOLD WEIGHT
52	75	63	134
53	80	64	141
54	85	65	147
55	89	66	154
56	94	67	161
57	99	68	168
58	105	69	176
59	110	70	184
60	116	71	192
61	121	72	200
62	126	73	209

MALE-AGE FEMALE-AGE

TEST	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99
Percent	20-4	23-5	25-5	27-1	27-7	28-9	32-1	35-6
Body								
Body-Fat								

12. SIT AND REACH TEST: This is a measure of the flexibility of the lower back and upper leg area. It is an important area for performing police tasks involving range of motion and is important in minimizing lower back problems. The test involves stretching out to touch the toes beyond the extended arms from the sitting position. The score is in the inches reached on a yard stick with 15" being at the toes.

MALE AGE FEMALE AGE

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TEST	20-29	30-39	40-49	50-59	20-29	30-39	40-49	50-59
Sit and Reach	16.0	15.0	13.8	12.8	18.8	17.8	16.8	16.3

23. 1 MINUTE SIT UP TEST: This a measure of the muscular endurance of the abdominal muscles. It is an important area for performing police tasks that may involve the use of force and is an important area for maintaining good posture and minimizing lower back problems.

MALE AGE FEMALE AGE

TEST	20-29	30-39	40-49	50-59	20-29	30-39	40-49	50-59
1 Minute Sit up	37	34	28	23	31	24	18	13

24. 1 REPETITION MAXIMUM BENCH PRESS: This is a maximum weight pushed from the bench press position and measures the amount of force the upper body can generate.

MALE AGE FEMALE AGE

TEST	20-29	30-39	40-49	50-59	20-29	30-39	40-49	50-59
Maximum Bench Press Ratio	.98	.87	.79	.70	.58	.52	.49	.43

45. 1.5 MILE RUN: This is a timed run to measure the heart and vascular systems' capability to transport oxygen. It is an important area for performing police tasks involving stamina and endurance and to minimize the risk of cardiovascular problems. The score is in minutes and seconds.

MALE AGE FEMALE AGE

TEST	20-29	30-39	40-49	50-59	20-29	30-39	40-49	50-59
1.5 Mile Run	13.46	14.31	15.24	16.21	16.21	16.52	17.53	18.44

(Source: Amended at 15 Ill. Reg. 999, effective January 14, 1991)

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- 1) The Heading of the Part: Surface Installation Health and Safety
- 2) Code Citation: 62 Ill. Adm. Code 220
- 3) Section Numbers Adopted Action
220.160 Amended
- 4) Statutory Authority: Implemented and authorized by Section 2.12 and 38.2 of the Coal Mining Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 312 and 3802).
- 5) Effective Date of Amendments: January 14, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 8, 1991
- 9) Notice of Proposed Amendments Published in Illinois Register: 14 Ill. Reg. 14277, September 7, 1990
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
 - 1) In the Notice page and text, all questions are referred to as "proposed amendments" instead of "rules". The Ill. Rev. Stats. have been updated in the Notice page and in the text to "1989".
 - 2) In Section 220.160(i)(4), a comma has been inserted after "cage".
 - 3) In Section 220.160(i)(7), a comma has been inserted following "underground".
 - 4) In Section 220.160(i)(11), "single-piece" has been hyphenated and "twelfth" has been corrected to "twelfth" in Section 220.160(i)(11)(iv).
 - 5) In Section 220.160(i)(11)(i)-(v) has been changed to 220.160 (i)(11) (A)-(E).
- 12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will these Amendments replace an Emergency Amendment currently in effect? No

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14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rule(s):

This proposed amendment clarifies that welding is prohibited on multi-piece rim assemblies (except for the repair or replacement of wheel stops or lugs), and sets forth limited conditions under which welding is permissible on single piece rims.

In response to a request by Arch of Illinois regarding welding on single piece rims, the Mining Board appointed an ad-hoc task force composed of industry representatives and chaired by Assistant Director, Sam Vancil. The task force report recommended that the Illinois Administrative Code be amended, and was approved by the Mining Board, April 9, 1990.

The proposed amendment allows welding on single piece rims provided the tire is removed from the rim, the defect is no longer than 6 inches and no closer than 6 inches to the outsides of the rim, the welding is performed by a qualified person, and the welding is sounded with an ultra-sonic testing instrument before the rim is returned to service.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: John C. Lynch
Rules Coordinator

Address: 300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 220

SURFACE INSTALLATION HEALTH AND SAFETY

Section	
220.10	Introduction and Definitions
220.20	Surface Installations
220.30	Thermal Dryers
220.40	Safeguard for Mechanical Equipment
220.50	Electrical Equipment--General
220.60	Trailing Cables
220.70	Grounding
220.80	Surface High - Voltage Distribution
220.90	Low and Medium - Voltage Alternating Current Circuits
220.100	Ground Control
220.110	Fire Protection
220.120	Mine Maps
220.130	Explosives and Blasting
220.140	Man Hoisting
220.150	Auger Mining
220.160	Loading and Haulage
220.170	Miscellaneous
220.180	Trolley Wires and Trolley Feeder Wires
220.190	Slope and Shaft Sinking
220.200	Surface Bathing Facilities, Change Rooms and Sanitary Flush Toilet Facilities at Surface Coal Mines
220.210	Sanitary Toilet Facilities at Surface Coal Mines
220.220	Drinking Water
220.230	Health and Safety Rules Applicable to Underground Coal Mines

AUTHORITY: Implementing and authorized by Section 2.12 and 38.2 of the Coal Mining Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 312 and 3802).

SOURCE: Filed October 27, 1976, effective November 27, 1976; emergency amendment at 2 Ill. Reg. 19, p. 147, effective May 3, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, p. 216, effective May 5, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 20, p. 142, effective May 17, 1979; amended at 4 Ill. Reg. 48, p. 220, effective December 17, 1980; amended at 7 Ill. Reg. 6491, effective May 9, 1983; emergency amendment at 7 Ill. Reg. 12895, effective September 20, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 8915; amended at 8 Ill. Reg. 12313, effective July 5, 1984; amended at 10 Ill. Reg. 224, effective February 7, 1986; amended at 10 Ill. Reg. 8104, effective June 15, 1986; amended at 13 Ill. Reg. 5955, effective April 18, 1989; amended at 13 Ill. Reg. 13220, effective August 7, 1989; corrected at 13 Ill. Reg. 13907; amended at 15 Ill. Reg. 1006, effective January 14, 1991.

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Section 220.160 Loading and Haulage

- a) Loading and haulage; general.
- 1) Only authorized persons shall be permitted on haulage roads and at loading or dumping locations.
 - 2) Traffic rules, signals, and warning signs shall be standardized at each mine and posted.
 - 3) Where side or overhead clearances on any haulage road or at any loading or dumping location at the mine are hazardous to mine workers, such areas shall be conspicuously marked and warning devices shall be installed when necessary to insure the safety of the workers.
 - 4) All active access and haulage roads will be kept in safe condition, reasonably free of holes, mud, snow, ice, and other dangerous conditions.
 - 5) All two (2)-way haulage roads will be constructed so they will have a running surface a minimum of three (3) times the width of the widest piece of haulage equipment traveling the road, including all ramps and inclines into the pit.
 - 6) When haulage roads cross a road used by the public, two hundred (200) feet of unobstructed vision from the intersection must be maintained for mobile equipment and all other vehicles used by mine personnel. Traffic controls shall be established at the intersection.
 - 7) Where adequate visibility is not provided, and where deemed necessary by a representative of the Department of Mines and Minerals, a signal light shall be installed where a haulage road crosses railroad tracks.
- b) Transportation of persons; restrictions.
- No person shall be permitted to ride or be otherwise transported on or in the following equipment whether loaded or empty:
- 1) Dippers, shovels, buckets, forks, and clamshells;
 - 2) The cargo space of dump trucks or haulage equipment used to transport coal or other material;
 - 3) Outside the cabs and beds of mobile equipment;
 - 4) Chain, belt, or bucket conveyors, except where such conveyors are specifically designed to transport persons; and
 - 5) Loaded buckets on aerial tramways.
- c) Use of aerial tramways to transport persons.
- Persons other than maintenance men shall not ride empty buckets on aerial tramways unless the following features are provided:
- 1) Two (2) independent brakes, each capable of holding the maximum load;
 - 2) Direct communication between terminals;
 - 3) Power drives with emergency power available in case of primary power failure; and
 - 4) Buckets equipped with positive locks to prevent accidental tripping or dumping.
- d) Trains and locomotives; authorized persons.

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- 1) Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.
 - 2) Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.
- e) Transportation of persons; overcrowding.
- 1) No man-trip vehicle or other conveyance used to transport persons to and from work areas at surface coal mines shall be overcrowded and all persons shall ride in a safe position.
 - 2) Supplies, materials, and tools other than small handtools shall not be transported with men in man-trip vehicles unless such vehicles are specifically designed to make such transportation safe.
 - 3) Man-trip vehicles shall be provided with adequate heat, ventilation, and maintained so as to provide the best possible protection of the riders.
 - 4) At no time will man-trip vehicles hauling riders exceed forty (40) miles per hour.
 - 5) Each man-trip compartment shall have two (2) separate means of escape.
- f) Loading and haulage equipment; installations.
- 1) Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.
 - 2) Mobile equipment shall be equipped with adequate brakes, and all trucks and front-end loaders shall also be equipped with parking brakes.
 - 3) Positive-action type brakes shall be provided on aerial tramways.
 - 4) Mobile equipment shall be provided with audible warning devices. Lights shall be provided on both ends when required.
 - 5) Guard nets or other suitable protection shall be provided where tramways pass over roadways, walkways, or buildings.
 - 6) Guards shall be installed to prevent swaying buckets from hitting towers.
 - 7) Aerial tramway cable connections shall be designed to offer minimum obstruction to the passage of wheels.
 - 8) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices, or other suitable devices.
 - 9) Ramps and dumps shall be of solid construction, of ample width, have ample clearance and headroom, and be kept reasonably free of spillage.
 - 10) Chute-loading installations shall be designed so that the men pulling chutes are not required to be in a hazardous position during loading operations.
 - 11) Berms or guards shall be provided on the outer bank of elevated roadways.
 - 12) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.
 - 13) Roadbeds, rails, joints, switches, frogs, and other elements on railroads shall be designed, installed, and maintained in a safe

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manner consistent with the speed and type of haulage.

- 14) Where practicable, a minimum of thirty (30) inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one (1) side of the tracks; all places where it is impossible to provide thirty (30) inch clearance shall be marked conspicuously.
 - 15) Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.
 - 16) Positive-acting stop-blocks, derail devices, track skates, or other adequate means shall be installed wherever necessary to protect persons from run-a-way or moving railroad equipment.
 - 17) Switch throws shall be installed so as to provide adequate clearance for switchmen.
 - 18) Where necessary, bumper blocks or the equivalent shall be provided at all track dead ends.
 - 19) All coal cars will be inspected for broken steps, platforms, brake wheels and adequate brakes before handled by car droppers or load riders.
 - 20) All railroad beds, rails, ties, joints, switches, frogs, and other elements on a railroad shall be kept clean of spilled coal, mud, weeds, and be provided with good drainage so ties can be visually inspected for decay and visual inspection can be made for loose joints, spikes, and proper gauge.
 - 21) Whenever practical rail cars will be positioned so the brakes are on the back of the cars when men are required to operate hand brakes.
- g) Loading and haulage equipment; inspection and maintenance.
- 1) Mobile loading and haulage equipment shall be inspected by a person competent to conduct such inspections before such equipment is placed in operation. Equipment defects affecting safety shall be recorded and reported to the operator, and such defects shall be repaired. Such records shall be available for inspection by State Mine Inspectors and the authorized representative of the miners.
 - 2) Carriers on aerial tramways, including loading and unloading mechanisms, shall be inspected each shift; brakes shall be inspected daily; ropes and supports shall be inspected as recommended by the manufacturer or as physical conditions warrant. Equipment defects affecting safety shall be reported to the mine operator, and such defects shall be repaired.
 - 3) Equipment defects affecting safety shall be corrected before the equipment is used.
- h) Loading and haulage equipment; operation.
- 1) Vehicles shall follow at a safe distance; passing is prohibited on hills, curves, at intersections, at railroads, in congested areas, and other areas where clearance and visibility is inadequate.
 - 2) Mobile equipment operators shall have full control of the equipment while it is in motion.

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- 3) Equipment operating speeds shall be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.
- 4) Cabs of mobile equipment shall be kept free of extraneous materials.
- 5) Operators shall sit facing the direction of travel while operating equipment with dual controls.
- 6) When an equipment operator is present, men shall notify him before getting on or off equipment.
- 7) Equipment operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.
- 8) Where possible, aerial tramways shall not be started until the tramway operator has ascertained that everyone is in the clear.
- 9) Dust control measures shall be taken where dust significantly reduces visibility of equipment operators.
- 10) Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.
- 11) Men shall not work or pass under the buckets or booms of loaders in operation.
- 12) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.
- 13) Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or berm, or shall be blocked, when such equipment is parked on a grade.
- 14) Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.
- 15) Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.
- 16) Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.
- 17) Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.
- 18) When moving between work areas, the equipment shall be secured in the travel position.
- 19) Any load extending more than four' (4) feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.
- 20) Tow bars shall be used to tow heavy equipment and a safety chain shall be used in conjunction with each tow bar. When heavy equipment is to be towed, the towing vehicle shall be of suitable weight and strength to maintain safe control of the load.
- 21) Railroad cars shall be kept under control at all times by the car dropper. Cars shall be dropped at a safe rate and in a manner

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that will insure that the car dropper maintains a safe position while working and traveling around the cars.

22) Railroad cars shall not be coupled or uncoupled manually unless the railroad and cars are so designed to eliminate any hazard from coupling or uncoupling cars. All persons manually applying brakes on moving rail cars shall step to the side ladder of the car before coupling.

23) Persons shall wear safety belts when dropping railroad cars.

24) Railcars shall not be left on sidetracks unless ample clearance is provided for traffic on adjacent tracks.

25) Parked railcars, unless held effectively by brakes, shall be blocked securely.

26) Railroad cars and all trucks shall be trimmed properly when they have been loaded higher than the confines of their cargo space.

27) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started. Conveyors shall be locked out or otherwise rendered inoperable and tagged with a "Do Not Operate" tag prior to repairs.

28) Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length. Conveyor emergency stop switches shall be designed so that a conveyor cannot be started until the activating stop switch has been reset to the running or "on" position. All conveyor controls, including emergency stop devices, shall be distinctly identified.

29) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

30) Aerial tram conveyor buckets shall not be overloaded, and feed shall be regulated to prevent spillage.

31) Cabs of mobile equipment shall be provided with a properly secured extra seat where possible when training people to operate such equipment.

i) Handling, storage and repair of large pneumatic tires

1) Before performing any work on a vehicle requiring removal of the tire and wheel assembly from the axle shaft or removal of any rim components, such as rim clamps or lug nuts, from a wheel equipped with split rims or locking rings, a visual inspection of the tire and rim assembly must be conducted. If any defect, damage or improper seating of the tire or rim components is noted, or if the tire or rim assembly is to be removed from service, the tire must be completely deflated before any removal work is begun.

2) If no defect, damage or improper seating of the tire or rim component is noted and the tire and rim assembly are intended to

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be kept in service, the following requirements apply depending on the work to be done:

A) if the work to be performed requires the removal of rim components, such as rim clamps or lug nuts, the tire must be deflated to the lowest pressure which will maintain the seal and locking of the tire to the rim in accordance with the manufacturer's specifications before any removal work is begun.

B) if the work to be performed (e.g. brake repair, wheel bearing repair) requires the removal of the tire and wheel assembly, but does not entail removal of rim components such as rim clamps or lug nuts, the tire and wheel assembly is not required to be deflated but must be secured to the conveyance with which it is removed from the vehicle.

3) On any dual tire and wheel assembly, the inspection and deflation requirements must be performed on both wheels before the removal of any rim components from either wheel, but a separately locked inside wheel, unless required to be deflated as a result of the inspection, need not be deflated if only the outside wheel is to be removed.

4) Tires installed on split rims or rims equipped with locking rings that have been removed from vehicles and repaired or replaced shall be protected by a safety tire rack, cage, or equivalent protection while being inflated if inflation is performed off the vehicle. No person shall position himself in front of a tire being inflated on or off the equipment.

5) No tire greater than twenty (20) inches inside diameter and more than twelve (12) ply shall be removed from or remounted on a rim in or about a central mine shop, surface or underground, without the use of mechanical equipment designed to remove tires from rims or to remount tires on the rims.

6) A specific safe isolated area for the operator of tire changing equipment shall be supplied in or about any central mine shop of any surface or underground mine.

7) If tires are dismounted or mounted at central mine shops, surface or underground, the area in which this work is performed shall be isolated from all other work areas in the shop.

8) All persons engaged in inflating tires in central mine shops, surface or underground, shall do so in an area isolated from other workmen, except those workmen performing work on tires.

9) For the purpose of subsections (7) and (8), "isolated" means that the area is situated or barricaded such that persons other than workers performing work on tires are not permitted to enter or be within the potential area of trajectory of any explosive forces which might be released during any work on tires and rim assemblies.

10) When a tire has been removed from a rim assembly and before the tire or rim is returned to service, an inspection of all components must be conducted. Rim flanges, rim gutters, rings,

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bead seating surfaces and bead areas must be thoroughly cleaned and visually inspected for cracks, bends, and pitting. If any conditions are found that affect the safe use of the rim or rim components, the rim or rim components shall be removed from service. The operator shall make a record of the inspection of each tire and rim assembly which is to be returned to service in a book kept for that purpose. The record shall be signed and include the date of inspection, and an identifying number or other marking which shall also be affixed to and remain on the tire and rim assembly from the time of inspection until installation on a vehicle. If the operator uses an independent contractor for servicing tires and rim assemblies, the operator must verify that the provisions of this Subsection (10) have been complied with prior to entering and signing the record, unless the record is entered and signed by an authorized agent or employee of the independent contractor.

11) Cutting, welding, brazing or heating of any multi-piece rim assembly is prohibited except for the repair or replacement of wheel stops or lugs, and then only with the tire removed from the rim. Cutting, welding, brazing or heating on single-piece rims is permissible subject to the following conditions:

- A) the tire must be removed from the rim;
- B) the crack or other defect to be welded must not exceed six (6) inches in length;
- C) the crack or other defect to be welded must not extend closer than six (6) inches to either of the outsides of the rim;

D) welding must be performed by a person qualified in accordance with the Structural Welding Code - Steel (ANSI/AWS D1.1-90) published by the American Welding Society, 550 N.W. LeJeune Road, P.O. Box 351040, Miami, Florida 33135 (the reference is to the Twelfth edition, effective January 1, 1990 and does not include any later editions or references); and

E) the welded area must be sounded with an ultrasonic testing instrument to determine the adequacy of the weld before the rim is returned to service.

12) There shall be supplied at all tire airing stations a clip-on air chuck with no less than ten (10) feet of air hose from the valve stem to the inflator gauge.

13) No person shall be allowed to inflate tires at any mines from oxygen or acetylene supply tanks.

14) Tires greater than twenty (20) inches inside diameter, if stored lying flat shall be stored to a depth no greater than two tires or five feet. Tires greater than twenty (20) inches inside diameter, if stored upright, must be secured to prevent falling.

j) Dumping facilities.

1) Dumping locations and haulage roads shall be kept reasonably free of water, debris, and spillage.

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- 2) Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks shall be dumped a safe distance back from the edge of the bank.
- 3) Adequate protection shall be provided at dumping locations where persons may be endangered by falling material.
- 4) Grizzlies, grates, and other sizing devices at dump and transfer points shall be anchored securely in place.
- 5) Where trucks are backing into dumping or loading position and the operator cannot see openings or edges of coal rib or bench, another person shall be assigned to direct trucks. Lights shall be used at night to help direct the truck operator. A person used to spot trucks shall be well in the clear.
- 6) When hopper is not being used, proper barricades will be installed to protect anyone from falling or driving into opening.

(Source: Amended at 15 Ill. Reg. 1006, effective January 14, 1991.)

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- 1) The Heading of the Part: Sulfur Limitations
- 2) The Code Citation: 35 Ill. Adm. Code 214
- 3) Section Number
214.101 Amend
214.104 Amend
Adopted Action:
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1010 and 1027
- 5) Effective Date of Amendments: January 15, 1991
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this rule (amendment, repealer) contain incorporations by reference?: Yes, pursuant to Section 602(a) of the IAPA.

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No, none was issued by JCAR, as the incorporation is pursuant to section 602(a).

- 8) Date Filed in Agency's Principal Office: August 24, 1987
- 9) Notice(s) of Proposal Published in Illinois Register: 14 Ill. Reg. 11098, July 13, 1990.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? JCAR issued its Letter of No Objection on December 13, 1990.
- 11) Difference(s) between proposal and final version: All differences between the originally proposed rule and final adopted rule are shown below, by striking out deleted language and underlining added language. Only those subsections where changes have been made are reproduced here.

Section 214.101 Measurement Methods

- a) Sulfur Dioxide Measurement. Measurement of sulfur dioxide emissions from stationary sources shall be made according to an applicable method specified in 40 CFR 60, Appendix A, Method 6, 6A, 6B, or 6C, incorporated by reference in Section 214.104(a), or by measurement

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procedures specified by the Agency established pursuant to 40 CFR 60.8(b), incorporated by reference in Section 214.104(b). (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1010).

- c) Solid Fuel Averaging Measurement Daily Analysis Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity exceeding 439.5 MW (1500 million Btu/hr). If daily fuel analysis is used to demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421, the sulfur dioxide hourly emission rate or emission rate expressed as kg/MW hr (pounds per million Btu) to be compared to the emission limit shall be considered to be the result of averaging daily samples taken over any consecutive two-month period average of daily samples provided no more than 5 percent of the sample values are greater than 20 percent above the sample average. If samples from a source cannot meet this statistical criterion, each individual daily sample analysis for such source shall be compared to with the source's emission limit standard to determine compliance. The specific ASTM procedures, incorporated by reference in Section 214.104(c), shall be used for solid fuel sampling, sulfur, and heating value determinations.

- d) Weekly Analysis Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity exceeding 146.5 MW (500 million Btu/hr) but not exceeding 439.5 MW (1500 million Btu/hr). These plants shall demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 by either an analysis of calendar weekly composites of daily fuel samples or by compliance with subsection (c) above, at the option of the plant. The specific ASTM procedures, incorporated by reference in Section 214.104(c) shall be used for sulfur and heating value determinations.

- e) Monthly Analysis Method. This subsection applies to sources at plants with total fuel-fired heat input capacity exceeding 14.65 MW (50 million Btu/hr) but not exceeding 146.5 MW (500 million Btu/hr). These plants shall demonstrate compliance or non-compliance with

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Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 by either an analysis of calendar monthly composites of daily fuel samples or by compliance with subsection (c) above, at the option of the plant. A-9-F-M- ASTM procedures shall be used for sulfur and heating value determinations.

Section 214.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations amendments do not include any later amendments or editions.

a) 40 CFR 60, Appendix A (1989):

4) Method 6C: Determination of Sulfur Dioxide Emissions From Stationary Sources (Instrumental Analyzer Procedure); and

* * *

c) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

1) For solid fuel sampling:

ASTM D-2234 ~~†1986†~~ (1989)

ASTM D-2622 ~~†1976†~~

ASTM D-2013 (1986)

2) For sulfur determinations:

ASTM D-3177 (1984)

ASTM 2622 (1987)

ASTM D-3180 (1984)

ASTM D-4239 (1985)

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12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s):

The proposed rule is being issued in response to the refusal of USEPA in 1985 to accept the sulfur dioxide emission limitations in the Illinois State Implementation Plan ("SIP"). USEPA required that Part 214.101, Measurement Methods, be revised to assure short-term compliance with the National Ambient Air Quality Standard ("NAAQS") for sulfur dioxide. (See Merit Hearings, Exhibit 8, 1985). USEPA maintained that stack testing should be included in measurement methods to determine short-term compliance. The two month averaging method of existing Section 214.101 was considered inadequate to establish short-term compliance, i.e., 3-hour and 24-hour compliance.

The Agency estimated that 87 facilities would be affected by the rulemaking. DENR revised this number downward to 78, of which 52 facilities would be required to make some changes in their existing practices.

The amendments to Section 214.101 provide that compliance shown by coal sample averaging techniques may not be used to refute evidence of non-compliance shown by stack testing, and vice versa. USEPA-approved Methods 6A, 6B, and 6C, found at 40 CFR 60, Appendix A, have been added to supplement the Method 6 stack testing procedure in the prior rule.

Section 214.101 will be amended to specify the methods and frequency of regular analysis of coal samples, based on the facility's capacity to produce sulfur emissions. This capacity is expressed in terms of total solid fuel-fired heat input capacity, measured in mega watts (MW) or millions of British thermal units per hour (MBtu/hr). Under the prior rule, the measurement method for all facilities was the same. Under the new rule each facility would fall into one of four groups,

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with corresponding testing requirements. For discussion purposes, these facilities have been categorized as follows:

Category	Capacity	Proposed Frequency of Analysis
Category 1	more than 439.5 MW (1,500 MBtu/hr)	Daily analysis [Section 214.101(c)]
Category 2	146.5 - 439.5 MW (500 - 1,500 MBtu/hr)	Weekly analysis of daily samples [Section 214.101(d)]
Category 3	14.65 - 146.5 MW (50 - 500 MBtu/hr)	Monthly analysis of daily samples [Section 214.101(e)]
Category 4	less than 14.65 MW (50 MBtu/hr)	Monthly average [Section 214.101(f)]

The adopted rule may entail more frequent coal sampling and analysis than some facilities previously performed and may involve modest cost increases over amounts already spent for current procedures. The record suggests that stack testing, with its related costs, will continue to be required on a relatively infrequent basis.

Additional information on the development of the adopted rule may be found in the discussion of the Merit and ECIS hearings in the Board's June 21, 1990 First Notice Opinion and Order.

- 16) Information and questions regarding this adopted rule shall be directed to:

Margaret Dolan Fliss
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-6062

The full text of the adopted rule(s) begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 214
SULFUR LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
214.100 Scope and Organization
214.101 Measurement Methods
214.102 Abbreviations and Units
214.103 Definitions
214.104 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section
214.120 Scope
214.121 Large Sources
214.122 Small Sources

SUBPART C: EXISTING SOLID FUEL COMBUSTION EMISSION SOURCES

Section
214.140 Sources Located in Metropolitan Areas
214.141 Small Sources Located Outside Metropolitan Areas
214.142 Large Sources Located Outside Metropolitan Areas
214.143

SUBPART D: EXISTING LIQUID OR MIXED FUEL COMBUSTION EMISSION SOURCES

Section
214.161 Liquid Fuel Burned Exclusively
214.162 Combination of Fuels

SUBPART E: AGGREGATION OF SOURCES OUTSIDE METROPOLITAN AREAS

Section
214.181 Dispersion Enhancement Techniques

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SUBPART F: ALTERNATIVE STANDARDS FOR
SOURCES INSIDE METROPOLITAN AREAS

Section
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Alternative Standards for Sources in Metropolitan
Areas

Dispersion Enhancement Techniques

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SUBPART K: PROCESS EMISSION SOURCES

Section
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Scope
General Limitation
Exception for Air Pollution Control Equipment
Use of Sulfuric Acid
Fuel Burning Process Emission Source

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL
AND CHEMICAL MANUFACTURING

Section
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214.384

Scope
Sulfuric Acid Manufacturing
Petroleum and Petrochemical Processes
Chemical Manufacturing
Sulfate and Sulfite Manufacturing

SUBPART P: STONE, CLAY, GLASS
AND CONCRETE PRODUCTS

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Scope
Glass Melting and Heat Treating
Lime Kilns

SUBPART Q: PRIMARY AND SECONDARY
METAL MANUFACTURING

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Section
214.420
214.421

Scope
Combination of Fuels at Steel Mills in Metropolitan
Areas
Secondary Lead Smelting in Metropolitan Areas
Slab Reheat Furnaces in St. Louis Area

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SUBPART V: ELECTRIC POWER PLANTS

Section
214.521

Winnetka Power Plant

SUBPART X: UTILITIES

Section
214.560
214.561
214.562

Scope
E. D. Edwards Electric Generating Station
Coffee Generating Station

Appendix A

Rule into Section Table

Appendix B

Section into Rule Table

Appendix C

Method used to Determine Average Actual Stack
Height and Effective Height of Effluent Release

Appendix D

Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27
of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch.
111 1/2, pars. 1010 and 1027)

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 204: Sulfur
Emission Standards and Limitations, R71-23, 4 PCB 191, filed and
effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295,
at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in
R74-2, R75-5, 38 PCB 129, at 4 Ill. Reg. 28, p. 417, effective
June 26, 1980; amended in R78-17, 40 PCB 291, at 5 Ill. Reg.
1892, effective February 17, 1981; amended in R77-15, 44 PCB 267,
at 6 Ill. Reg. 2146, effective January 28, 1982; amended and
renumbered in R80-22(A), at 7 Ill. Reg. 4219, effective March 28,
1983; codified 7 Ill. Reg. 13597; amended in R80-22(B), at 8
Ill. Reg. 6172, effective April 24, 1984; amended in R86-31, at
10 Ill. Reg. 9806, effective May 20, 1986; amended in R86-31,
12 Ill. Reg. 17387, effective October 14, 1988; amended in R86-
30, at 12 Ill. Reg. 20778, effective December 5, 1988; amended in
R87-31 at 15 Ill. Reg. 1017, effective January 15, 1991.

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Section 214.101 Measurement Methods

A determination of non-compliance based on any subsection of this Section shall not be refuted by evidence of compliance with any other subsection.

- a) Sulfur Dioxide Measurement. Measurement of sulfur dioxide emissions from stationary sources shall be made according to the procedure published in an applicable method specified in 40 CFR 60, Appendix A, Method 6, 6A, 6B, or 6C (1982), incorporated by reference in Section 214.104(a), or by measurement procedures specified by the Illinois Environmental Protection Agency (Agency) according to the provisions of 35 Ill. Adm. Code 201 established pursuant to 40 CFR 60.8(b), incorporated by reference in Section 214.104(b). (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1010).

- b) Sulfuric Acid Mist and Sulfur Trioxide Measurement. Measurement of sulfuric acid mist and sulfur trioxide shall be according to the barium-thorin titration method as published specified in 40 CFR 60, Appendix A, Method 8 (1982), incorporated by reference in Section 214.104(a).

- c) Solid Fuel Averaging Measurement Daily Analysis Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity exceeding 439.5 MW (1500 million Btu/hr). If low sulfur solid daily fuel analysis is used to comply demonstrate compliance or non-compliance with Sections 214.122, 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421, the applicable solid fuel sulfur dioxide standard emission rate to be compared to the emission limit shall be met by considered to be the result of averaging daily samples taken over a any consecutive two-month period average of daily samples with provided no more than 95 percent of the samples being values are no greater than 20 percent above the sample average. If samples from a source cannot meet this statistical criterion, each individual daily sample analysis for such source shall be compared to the source's emission limit to determine compliance. The specific ASTM procedures, incorporated by reference in Section 214.104(c), shall be used for solid fuel sampling, sulfur, and heating value determinations.

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- d) Weekly Analysis Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity exceeding 146.5 MW (500 million Btu/hr) but not exceeding 439.5 MW (1500 million Btu/hr). These plants shall demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 by either an analysis of calendar weekly composites of daily fuel samples or by compliance with subsection (c) above, at the option of the plant. The specific ASTM procedures, incorporated by reference in Section 214.104(c), shall be used for sulfur and heating value determinations.
- e) Monthly Analysis Method. This subsection applies to sources at plants with total fuel-fired heat input capacity exceeding 146.5 MW (500 million Btu/hr) but not exceeding 146.5 MW (500 million Btu/hr). These plants shall demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 by either an analysis of calendar monthly composites of daily fuel samples or by compliance with subsection (c) above, at the option of the plant. ASTM procedures, incorporated by reference in Section 214.104(c), shall be used for sulfur and heating value determinations.
- f) Small Source Alternative Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity not exceeding 14.65 MW (50 million Btu/hr). Compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 shall be demonstrated by a calendar month average sulfur dioxide emission rate.
- g) Exemptions. Subsections (c) through (f) shall not apply to sources controlling sulfur dioxide emissions by flue gas desulfurization equipment or by sorbent injection.
- h) Hydrogen Sulfide Measurement. For purposes of determining compliance with Section 214.382(c), the concentration of hydrogen sulfide in petroleum refinery fuel gas shall be measured using the Tutwiler Procedure specified in 40 CFR 60.648 (1986), incorporated by reference in Section 214.104(d).

(Source: Amended at 15 Ill. Reg. 1017, effective Jan. 15, 1991)

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- ASTM D-3180 (1984)
ASTM D-4239 (1985)
3) For heating value determinations:
ASTM D-2015 (1976) (1985)
ASTM D-3286 (1976) (1985)
ed) Tutwiler Procedure for hydrogen sulfide, 40 CFR 60.648
(1986) (1989).
(Source: Amended at 15 Ill. Reg. 1017, effective Jan. 15, 1991)

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- Section 214.104 Incorporations by Reference
The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.
- a) 40 CFR 60, Appendix A (1982) (1989):
1) Method 6: method for measurement Determination of Sulfur Dioxide Emissions From Stationary Sources;
2) Method 6A: Determination of Sulfur Dioxide, Moisture, and Carbon Dioxide Emissions From Fossil Fuel Combustion Sources;
3) Method 6B: Determination of Sulfur Dioxide and Carbon Dioxide Daily Average Emissions From Fossil Fuel Combustion Sources;
4) Method 6C: Determination of Sulfur Dioxide Emissions From Stationary Sources (Instrumental Analyzer Procedure);
25) Method 8: barium thorin titration method; Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions From Stationary Sources.
b) 40 CFR 60.8(b) (1989), Performance tests.
bc) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:
1) For solid fuel sampling:
ASTM D-2234 (1976) (1989)
ASTM D-2013 (1976) (1986)
2) For sulfur determinations:
ASTM D-3177 (1976) (1984)
ASTM D-2622 (1982) (1987)

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: ASSISTANCE STANDARDS
- 2) Code Citation: 89 Ill. Adm. Code 111
- 3) Section Number: Adopted Action:
111.101 Amendment
- 4) Statutory Authority: Section 12-4.11 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par. 12-4.11)
- 5) Effective Date of Adopted Amendment: January 23, 1991
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 23, 1991
- 9) Notice of Proposal Published in Illinois Register:
October 19, 1990 (14 Ill. Reg. 17762)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Differences between proposal and final version: No changes were made to this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendment: This rulemaking increases the Department's Assistance Standards in accordance with the methodology established in Section 111.20. The Assistance Standards are updated each January 1. The amount of the increase to be effective January 1, 1991, based on this methodology is 4.4%.

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- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 111
ASSISTANCE STANDARDS

Section
111.1 Incorporation By Reference
111.10 Establishment of the Assistance Standards
111.20 Computation of the Assistance Standards
111.30 Amount of Assistance Standards (Family of 1)
111.40 Amount of Assistance Standards (Family of 2)
111.50 Amount of Assistance Standards (Family of 3)
111.60 Amount of Assistance Standards (Family of 4)
111.70 Amount of Assistance Standards (Family of 5)
111.80 Amount of Assistance Standards (Family of 6)
111.90 Amount of Assistance Standards (Family of 7 thru 18)
111.100 Amount of Assistance Standards (Child-Only Cases) (Repealed)

111.101 Current Assistance Standards
111.110 Adjustments Following Court Orders

AUTHORITY: Implementing Articles III, IV and VI and authorized by Sections 12-4.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987-1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq., 12-4.11 and 12-13).

SOURCE: Filed and effective December 30, 1977; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended at 8 Ill. Reg. 223, effective December 27, 1983; amended at 9 Ill. Reg. 295, effective January 1, 1985; amended at 10 Ill. Reg. 1920, effective January 17, 1986; amended at 11 Ill. Reg. 2297, effective January 16, 1987; amended at 12 Ill. Reg. 871, effective January 1, 1988; amended at 13 Ill. Reg. 85, effective January 1, 1989; amended at 13 Ill. Reg. 3840, effective March 10, 1989; amended at 15 Ill. Reg. 1029, effective January 23, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

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Section 111.101 Current Assistance Standards

Adults and Children

Family Size	Group I	Group II	Group III
1(AFDC and Refugee/Repatriate Assistance)	\$ 427 467	\$ 411 449	\$ 348 381
1(All Other Programs)	333 364	321 351	304 333
2	539 589	520 570	497 543
3	740 811	715 783	684 749
4	835 914	811 888	783 858
5	976 1069	948 1038	913 1000
6	1097 1201	1066 1168	1028 1126
7	1154 1264	1122 1229	1083 1187
8	1215 1331	1183 1296	1140 1249
9	1278 1400	1245 1364	1202 1317
10	1346 1475	1309 1434	1265 1386
11	1418 1553	1378 1509	1332 1459
12	1492 1634	1452 1591	1401 1535
13	1571 1721	1528 1674	1474 1615
14	1654 1812	1608 1762	1551 1699
15	1741 1908	1694 1856	1634 1790
16	1833 2008	1783 1954	1721 1886
17	1929 2114	1878 2057	1812 1985
18	2032 2226	1976 2165	1907 2090

Child-Only

1	205 224	198 215	192 208
2	405 443	392 429	378 413
3	501 549	488 534	478 523
4	643 703	626 685	608 666
5	763 835	744 815	723 792
6	820 928	800 876	778 851
7	881 965	861 943	835 914
8	944 1034	923 1011	896 981
9	1013 1109	988 1082	960 1052
10	1084 1188	1056 1156	1027 1125
11	1158 1268	1129 1237	1096 1200
12	1237 1355	1207 1322	1169 1280

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Section 111.101 Current Assistance Standards (Cont'd)
For family sizes greater than 18 or 12, the amount of the Assistance Standard will be determined by adding \$90 \$97 or \$70 \$75 respectively for each person above 18 or 12. All rounding in determining Assistance Standards is done by rounding down to the next whole dollar amount.

(Source: Amended at 15 Ill. Reg. 1029, effective January 23, 1991)

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- 1) The Heading of the Part: CHILD SUPPORT ENFORCEMENT
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: Adopted Action: 160.70 Amendment
- 4) Statutory Authority: Sections 10-1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 10-1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendment: January 21, 1991
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 21, 1991
- 9) Notice of Proposal Published in Illinois Register: October 26, 1990, (14 Ill. Reg. 17436)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Difference between proposal and final version: Based on comments received from the Administrative Code Division, the following changes were made to this amendment:
 - 1) in subsection (d)(3)(A), the spelling of the word "opportunity" is corrected; and
 - 2) in subsection (f)(1) and (3) the figure "1987" is changed to "1989".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendment: This rulemaking revises Department policy on the interception of

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unemployment insurance benefits in child support cases. Specifically, the Department will no longer seek to obtain an agreement for deduction from the responsible relative before initiating income withholding. Additionally, the amount of unemployment insurance benefits that may be withheld is changed from "the amount of the child's dependent allowance" to "50% of the unemployment insurance benefit".

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Bldg. II, 3rd. Flr.
100 South Grand Avenue East
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section
160.1
160.5
160.10
160.20

Incorporation By Reference
Definitions
Child Support Enforcement Program
Assignment of Rights to Support

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30
160.35
160.40
160.45

Cooperation With Support Enforcement Program
Good Cause For Failure to Cooperate With Support Enforcement
Proof of Good Cause For Failure to Cooperate With Support Enforcement
Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section
160.60
160.65

Establishment of Support Obligations
Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
160.70
160.75
160.80

Enforcement of Support Orders
Withholding of Income to Secure Payment of Support
Amnesty - 20% Charge

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90

Earmarking Child Support Payments

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SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

- Section
160.100 Distribution Of Child Support For AFDC Recipients
160.100 Distribution Of Child Support For Former AFDC
160.110 Recipients Who Continue To Receive Child Support
Enforcement Services
160.120 Distribution Of Child Support Collected While The
Client Was An AFDC Recipient, But Not Yet
Distributed At The Time The AFDC Case Is Cancelled
160.130 Distribution Of Intercepted Income Tax Refunds and
Other State Payments
160.132 Distribution Of Child Support for Non-AFDC Clients
160.134 Distribution Of Child Support For Interstate Cases
160.136 Distribution of Support Collected in IV-E Foster
Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance
No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION
OF CHILD SUPPORT

- 160.150 Department Review Of Distribution Of Child Support
For AFDC Recipients
160.160 Department Review Of Distribution Of Child Support
For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg.

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20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 14 Ill. Reg. 1034, effective January 21, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure (Ill. Rev. Stat. 1987 1989, ch. 110, par. 2-1403).

c) Federal and State Income Tax Refunds and Other State Payments

- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act (Ill. Rev. Stat. 1987 1989, ch. 15, par. 210.05a) due such relatives.

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Section 160.70 Enforcement of Support Orders (Cont'd.)

- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for intercept;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and
 - D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.
- 4) A request for a redetermination made within 30 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:
 - A) a hearing by the Department within 30 days from the date of mailing of the notice; or

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Section 160.70 Enforcement of Support Orders (Cont'd.)

- 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:
 - i) in IV-D AFDC and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
 - ii) in IV-D Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.
 - B) the Comptroller to intercept State income tax refunds and other State payments as follows:
 - i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less; and
 - ii) in inactive IV-D AFDC and IV-D foster care cases, past due support owed in any amount.
 - iii) In cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

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Section 160.70 Enforcement of Support Orders (Cont'd.)

- B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
- A) any other state enforcing the support order when the request for intercept is submitted; and when the intercept amount is received;
 - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;
 - C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
 - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and

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Section 160.70 Enforcement of Support Orders (Cont'd.)

- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:
- A) federal income tax refunds first to satisfy any IV-D AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D Non-AFDC past-due support; and
 - B) State income tax refunds and other State payments to satisfy any active IV-D AFDC and IV-D foster care assigned past-due support, or first to satisfy active IV-D Non-AFDC past-due support and then to satisfy any IV-D AFDC and IV-D foster care assigned past-due support.
- 11) The Department shall inform individuals who receive IV-D Non-AFDC support enforcement services, in advance, of the following:
- A) amounts intercepted under this subsection will be applied in accordance with subsection (c)(9) above;
 - B) any payment received by the IV-D Non-AFDC individual as a result of federal income tax refund intercept may have to be returned to

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- Section 160.70 Enforcement of Support Orders (Cont'd.)
- the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) ~~contact the relative to obtain an agreement for deduction of benefits for payment of support.~~
 - C) ~~initiate procedures for withholding of income in accordance with Section 160.75 in cases wherein the relative fails or refuses to agree to benefit deduction.~~
 - D) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - B) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) the amount of the child dependent's allowance, whether or not claimed fifty

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- Section 160.70 Enforcement of Support Orders (Cont'd.)
- percent (50%) of the Unemployment Insurance Benefit.
- E)D) receive amounts deducted direct from DES.
- F)E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
- G)F) post each collection to the Department's payment record.
- H)G) apply each collection to the current support obligation, then to past-due obligations.
- I)H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation; except as set forth in subsection (2) below.
 - 2) Contempt proceedings shall not be used in the following instances:

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Section 160.70 Enforcement of Support Orders (Cont'd.)

A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:

- i) receiving public assistance;
- ii) mentally or physically disabled;
- iii) incarcerated;
- iv) out-of-the-country;
- v) deceased; or
- vi) otherwise situated making such action unproductive.

B) other legal or administrative remedies are more appropriate under the circumstances.

3) Contempt and other legal proceedings shall be used to:

- A) establish the amount of past-due support;
- B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
- C) secure an order for lump sum or periodic payment of the past-due support or judgment;
- D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
- E) obtain full or partial payment of past due support through incarceration;

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Section 160.70 Enforcement of Support Orders (Cont'd.)

F) ascertain the responsible relative's source and amount of income or location and value of assets;

G) secure other enforcement relief; and

H) obtain any combination of the above.

4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1982, ch. 23, par. 9-6).

f) Liens Against Real Estate and Personal Property

1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 1987 1982, ch. 110, par. 12-101 et seq.).

2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

- A) the past-due amount equals one year's support obligation under the order for support or \$2,000, whichever is less; and

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Section 160.70 Enforcement of Support Orders (Cont'd.)

Section 160.70 Enforcement of Support Orders (Cont'd.)

- 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 19871989, ch. 110, pars. 12-101 et seq.)).

h) Past-Due Support Information to Consumer Reporting Agencies

- 1) The Department shall, upon request of consumer reporting agencies, provide the following information concerning the payment records of responsible relatives in IV-D cases to such agencies when the amount of past-due support exceeds \$1,000:

- 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 1987 1989, ch. 110, pars. 12-101 et seq.)) when the relative has a known equity which is not less than \$2,000 in excess of any statutory exemption.

- A) the name, last known address and Social Security Number of the responsible relative; and

g) Security, Bond or Other Guarantee of Payment

- B) the terms and amount of past-due support which has accumulated under the order for support.

- 2) The Department shall provide the responsible relative with a notice at least 30 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be reported;
- C) the date past-due support will be reported; and
- D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due

- 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

- A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.

6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

i) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 14 Ill. Reg. 1034, effective January 21, 1991).

Section Numbers	Proposed Action	Illinois Register Citation
1000	Adopted	11/11/2010
1001	Adopted	11/11/2010
1002	Adopted	11/11/2010
1003	Adopted	11/11/2010
1004	Adopted	11/11/2010
1005	Adopted	11/11/2010
1006	Adopted	11/11/2010
1007	Adopted	11/11/2010
1008	Adopted	11/11/2010
1009	Adopted	11/11/2010
1010	Adopted	11/11/2010
1011	Adopted	11/11/2010
1012	Adopted	11/11/2010
1013	Adopted	11/11/2010
1014	Adopted	11/11/2010
1015	Adopted	11/11/2010
1016	Adopted	11/11/2010
1017	Adopted	11/11/2010
1018	Adopted	11/11/2010
1019	Adopted	11/11/2010
1020	Adopted	11/11/2010
1021	Adopted	11/11/2010
1022	Adopted	11/11/2010
1023	Adopted	11/11/2010
1024	Adopted	11/11/2010
1025	Adopted	11/11/2010
1026	Adopted	11/11/2010
1027	Adopted	11/11/2010
1028	Adopted	11/11/2010
1029	Adopted	11/11/2010
1030	Adopted	11/11/2010
1031	Adopted	11/11/2010
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1037	Adopted	11/11/2010
1038	Adopted	11/11/2010
1039	Adopted	11/11/2010
1040	Adopted	11/11/2010
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1049	Adopted	11/11/2010
1050	Adopted	11/11/2010
1051	Adopted	11/11/2010
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1056	Adopted	11/11/2010
1057	Adopted	11/11/2010
1058	Adopted	11/11/2010
1059	Adopted	11/11/2010
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1065	Adopted	11/11/2010
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1076	Adopted	11/11/2010
1077	Adopted	11/11/2010
1078	Adopted	11/11/2010
1079	Adopted	11/11/2010
1080	Adopted	11/11/2010
1081	Adopted	11/11/2010
1082	Adopted	11/11/2010
1083	Adopted	11/11/2010
1084	Adopted	11/11/2010
1085	Adopted	11/11/2010
1086	Adopted	11/11/2010
1087	Adopted	11/11/2010
1088	Adopted	11/11/2010
1089	Adopted	11/11/2010
1090	Adopted	11/11/2010
1091	Adopted	11/11/2010
1092	Adopted	11/11/2010
1093	Adopted	11/11/2010
1094	Adopted	11/11/2010
1095	Adopted	11/11/2010
1096		

140.890	New Section	December 14, 1990 (14 Ill. Reg. 19592)
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140.895	New Section	December 14, 1990 (14 Ill. Reg. 19592)
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140. Table K New Section December 14, 1990
(14 Ill. Reg. 19592)

140. Table L
New Section
December 14, 1990
(14 Ill. Reg. 19592)

15) **Summary and Purpose of Adopted Amendment:** This rulemaking addresses inclusion of certain nonpayable bed reserve stays in calculating the 93% occupancy level for purposes of bed reserve payments. This change will help guarantee access to Medicaid residents by encouraging facilities to hold beds beyond the payable bed reserve period. This rulemaking also clarifies existing policy.

16) Information and questions regarding this Adopted Amendment
shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Jesse B. Harris Building II
100 South Grand Avenue East
Springfield, Illinois 62762-0001

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1
140.2
140.3

Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance
Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP,
Individuals Under Age 18 Not Eligible for AFDC,
Pregnant Women Who Would Be Eligible if the Child
Were Born and Pregnant Women and Infants Under Age
One Year Who Do Not Qualify As Mandatory
Categorically Needy
Covered Medical Services Under AFDC-MANG for
non-pregnant persons who are 18 years of age or
older (Repealed)

140.4

140.5
140.6
140.7

140.8

140.9

140.10

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section

Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical Assistance Program
Recovery of Money
Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

Section	Effect of Termination on Individuals Associated with Vendor
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140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
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140.26	Assignment of Vendor Payments
140.27	Record Requirements for Medical Providers
140.28	Audits
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140.35	Prior Approval for Medical Services or Items
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140.98	Hospital Services Not Covered (Recodified)
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140.101	Heart Transplants (Recodified)
140.102	Liver Transplants (Recodified)
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140.110	Payment for Inpatient Services for GA (Recodified)
140.116	Hospital Outpatient and Clinic Services (Recodified)
140.117	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.200	Payment for Hospital Services After June 30, 1982 (Repealed)
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Section 140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
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140.362	Pre July 1, 1989 Services (Recodified)
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140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1,

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effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 21784, effective November 12, 1986; amended at 11 Ill. Reg. 698, effective December 15, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.207 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg.

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1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 29, 1984; peremptory amendment at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128,

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17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13363, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981,

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effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART E: GROUP CARE

Section 140.523 Bed Reserves

a) All bed reserves must:

- 1) be authorized by a physician (and in the case of hospitalization, the physician must anticipate that the hospitalization will not exceed 10 days);
 - 2) have post payment approval from the Bureau of Long Term Quality Care nurse based on satisfying the requirements of this Section;
 - 3) be limited to recipients who desire to return to the same facility; and
 - 4) be limited to facilities having a 93 percent or higher occupancy level. The occupancy level shall be calculated including paid-both payable and non-payable (non-payable defined as those residents that have transitioned from the maximum days allowed for payable bed reserve to non-payable bed reserve status) bedhold days as occupied beds.
- b) Payment may be approved for hospitalization for a period not to exceed 10 days per hospital stay. The day the recipient is transferred to the hospital is the first day of the reserve bed period.
- c) Payment may be approved for home visits which have been indicated by a physician as therapeutically beneficial. In such instances, bed reserve is limited

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1) Heading of the Part:

Head and Spinal Cord Injury Code

2) Code Citation:

77 Ill. Adm. Code 550

3) Section Numbers:

550.100
550.110
550.120
550.130

Adopted Action:

New Section
New Section
New Section
New Section

4) Statutory Authority:

"AN ACT in relation to certain injuries" (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7851 et seq.) and Section 55.39 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55-39).

5) Effective Date of Rules:

January 15, 1991

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify date:

7) Does this Rulemaking Contain An Incorporation by Reference? Yes ☒ No ☐

If "yes," please specify type: 6.02(a) ☒ or 6.02(b) ☐

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☐ No ☐

8) Date Filed in Agency's Principal Office:

January 15, 1991

9) Date Notice(s) of Proposal was Published in Illinois Register:

July 6, 1990 - 14 Ill. Reg. 10656

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

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Section 140.523 Bed Reserves (Cont'd)

to 7 consecutive days in a billing month or 10 non-consecutive days in a billing month. The day after the recipient leaves the facility is the first day of the reserve bed period. Home visits may be extended with the approval of the Department.

d) The Bureau of Long Term Quality Care nurse will approve ongoing therapeutic home visits based on the physician's standing orders for the individual. Standing orders for therapeutic home visits limited to 10 days per month are valid for a period not exceeding six months.

e) Payment for approved bed reserves is a daily rate at 75% of an individual's current Medicaid per diem.

f) In no facility may the number of vacant beds be less than the number of beds identified for patients having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of patients allowed bed reserve.

(Source: Amended at 15 Ill. Reg. 1051, effective January 18, 1991)

STATEMENT OF OBJECTION: _____ ILL. Reg. _____

AGENCY RESPONSE: _____ ILL. Reg. _____

- C) Date Agency Response Submitted for Approval to the Joint Committee: _____
- 11) Difference Between Proposal and Final Version: _____

The following changes were made in response to comments received during the first notice or public comment period:

In Section 550.120(b) the Department will add the following language before the first sentence:

Each hospital with an emergency department must report the information specified in subsection (c) using the Department provided Trauma Registry software. Hospitals which can show hardship as represented by a lack of the required computer equipment in the hospital may report on forms provided by the Department.

In Section 550.120(c) the Department will insert "with emergency departments," after "hospitals" in the first line; insert "quarterly" after "information"; delete "seen in the emergency department or" before "admitted"; and insert "or arrives at the emergency department and dies before admission to the hospital;" after "hospital" in the last line.

In Section 550.120(d) the Department will add after the first sentence the following:

These reports shall consist of the number of reportable cases. The reporting information required by subsection (c) shall be reported quarterly.

Also in Section 550.120(d), the Department will add "except nasal bones" after "face bones" in subsection (3); delete subsections (9), (10), (16), (18), (19), (25), and (26), and renumber the remaining subsections accordingly; and insert a new subsection (17) after new subsection (16) to read as follows: "Injury to optic nerve and pathways;"

In Section 550.130 the Department will add the following subsections after subsection (d):

- e) Availability of Registry Information
- 1) All requests by medical or epidemiologic researchers for confidential Registry data must be submitted in writing to the Registry. The request must include a study protocol which contains; objectives of the research; rationale for the

STATEMENT OF OBJECTION: _____ ILL. Reg. _____

AGENCY RESPONSE: _____ ILL. Reg. _____

- C) Date Agency Response Submitted for Approval to the Joint Committee: _____
- 11) Difference Between Proposal and Final Version: _____

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These reports shall consist of the number of reportable cases. The reporting information required by subsection (c) shall be reported quarterly.

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In Section 550.130 the Department will add the following subsections after subsection (d):

- e) Availability of Registry Information
- 1) All requests by medical or epidemiologic researchers for confidential Registry data must be submitted in writing to the Registry. The request must include a study protocol which contains; objectives of the research; rationale for the

research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; including methods for documenting compliance with 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-b; methods for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g. federal contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.

- 2) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient or facility identifying information shall by subject at a review to determine compliance with the following conditions:

- A) The request for patient or facility identifying information contains stated goals or objectives.
- B) The request documents the feasibility of the study design in achieving the stated goals or objectives.
- C) The request documents the need for the requested data to achieve the stated goals and objectives.
- D) The requested data can be provided within the timeframe set forth in the request.
- E) The request documents that the researcher has qualifications relevant to the type of research being conducted.
- F) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.
- G) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights because the Department will only release the patient, physician in accordance with the provisions of this Section or facility identifying information which is necessary for the research.

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3) Research Agreements

- A) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used in accordance with the standards in subsection (c) above. In addition, the researcher shall include an assurance that:
- i) use of data is restricted to the specifications of the protocol;
 - ii) any and all data which may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly privileged and confidential and agrees to keep all such data strictly confidential at all times;
 - iii) all officers, agents and employees will keep all such data strictly confidential, will communicate the requirements of this Section to all officers, agents, and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within forty-eight (48) hours of any violation of this Section, including full details of the violation and corrective actions to be taken;
 - iv) all data provided by the Department pursuant to this contract may only be used for the purposes named in this contract and that any other or additional use of the data may result in immediate termination of this contract by the Department;
 - v) all data provided by the Department pursuant to this contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of this contract.
- B) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) above prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.

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- 4) The Department shall disclose individual patient or facility information to the reporting facility, which originally supplied that information to the Department, upon written request of the facility
- f) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Part 21 of Article 8 of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by the Part 21 of Article 8 of the Code of Civil Procedure.
- g) THE IDENTITY of any facility, or ANY GROUP OF FACTS WHICH TENDS TO LEAD TO THE IDENTITY, OF ANY PERSON WHOSE CONDITION OR TREATMENT IS SUBMITTED TO THE DEPARTMENT SHALL NOT BE OPEN TO PUBLIC INSPECTION OR DISSEMINATION. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. ALL INFORMATION FOR SPECIFIC RESEARCH PURPOSES MAY BE RELEASED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE DEPARTMENT IN THIS SECTION. (Section 4(d) of the Act)
- h) Every hospital shall provide representatives of the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information. The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital and the Department. The Department shall not require hospitals to provide information on cases which are dated more than two years before the Department's request for further information.
- i) Every hospital shall provide access to information regarding specified patients or other patients specified for research studies, related to reportable registry information, conducted by the Department. Any disputes as to access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.
- j) NO INDIVIDUAL OR ORGANIZATION PROVIDING INFORMATION TO THE DEPARTMENT IN ACCORDANCE WITH THE ACT SHALL BE HELD LIABLE IN A CIVIL OR CRIMINAL ACTION FOR DIVULGING CONFIDENTIAL INFORMATION UNLESS SUCH INDIVIDUAL ORGANIZATION ACTED IN BAD FAITH OR WITH MALICIOUS PURPOSE. (Section 4 of the Act)

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

The Department will delete Section 550.120(c)(22) and (23).

The Department will delete "current" in Section 550.120(c)(23).

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The Department will change "ICU" to "Intensive Care Unit (ICU)" in Section 550.120(c)(24).

The Department will add "(See subsection (d))" at the end of Section 550.120(c)(26).

The Department will add "(in the case of a minor patient)" after "parent" in Section 550.130(b).

The Department will change "to" to "at" in Section 550.120(c)(13).

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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- 15) Summary and Purpose of Rules:

These rules implement Public Act 86-510, effective January 1, 1990, which requires the Department to "establish and maintain an information registry and reporting system for the purpose of data collection and needs assessment of head and spinal cord injured persons in this State." The Act also requires that reports of head and spinal cord injuries be filed with the Department by a hospital administrator or designee within 30 days of identification, and requires the Department to provide reporting forms and the manner in which the information is to be reported.

Reporting Requirements: The Department plans to use a computerized reporting system similar to that used for the Trauma Registry under the Illinois Trauma Center Code (77 Ill. Adm. Code 540) and to use the same

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software for both reporting systems. Hospitals that do not have the computer equipment will make reports manually. The rules list the information that must be provided on each patient seen in an emergency department or admitted to a hospital, who is diagnosed as head or spinal cord injured. In accordance with the requirements of Public Act 86-510, reports must be filed within 30 days of identification of head or spinal cord injuries.

Confidentiality: Public Act 86-510 requires that reports of head or spinal cord injury be confidential. Information may be made available only to departmental staff; persons engaged in research projects, under specified conditions; and the Advisory Council on Spinal Cord and Head Injuries, under specified conditions. The identity of a patient, physician, or hospital may not be revealed without their written consent.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER F: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

PART 550

HEAD AND SPINAL CORD INJURY CODE

Section

550.100 Definitions

550.110 Incorporated Materials

550.120 Reporting Requirements

550.130 Confidentiality

AUTHORITY: Implementing "AN ACT in relation to certain injuries" (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7851 et seq.) and authorized by Section 55.39 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55.39).

SOURCE: Adopted at 15 Ill. Reg. 1068, effective January 15, 1991.

NOTE: Capitalization denotes statutory language.

Section 550.100 Definitions

The definitions listed in this section apply to this Part.

"Act" means "AN ACT in relation to certain injuries" (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7851 et seq.).

"COUNCIL" MEANS THE ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES, created within the Department of Rehabilitation Services pursuant to Section 6 of the Act. (Section 1 of the Act)

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH. (Section 1 of the Act)

"HEAD INJURY" MEANS A SUDDEN INSULT OR DAMAGE TO THE BRAIN OR ITS COVERINGS, NOT OF A DEGENERATIVE NATURE, WHICH PRODUCES AN ALTERED STATE OF CONSCIOUSNESS OR TEMPORARILY OR PERMANENTLY IMPAIRS MENTAL, COGNITIVE, BEHAVIORAL OR PHYSICAL FUNCTIONING. CEREBRAL VASCULAR ACCIDENTS, ANEURYSMS AND CONGENITAL DEFICITS ARE EXCLUDED FROM THIS DEFINITION. (Section 1 of the Act)

"Hospital" has the meaning ascribed to that term in the Hospital Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 142 et. seq.).

"SPINAL CORD INJURY" MEANS AN INJURY THAT OCCURS AS A RESULT OF TRAUMA, WHICH INVOLVES SPINAL VERTEBRATE FRACTURE, OR WHERE THE

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INJURED PERSON SUFFERS ANY OF THE FOLLOWING EFFECTS: EFFECTS ON THE SENSORY SYSTEM INCLUDING NUMBNESS, TINGLING OR LOSS OF SENSATION IN THE BODY OR IN ONE OR MORE EXTREMITIES; EFFECTS ON THE MOTOR SYSTEM INCLUDING WEAKNESS OR PARALYSIS IN ONE OR MORE EXTREMITIES; OR EFFECTS ON THE VISCERAL SYSTEM INCLUDING BOWEL OR BLADDER DYSFUNCTION OR HYPOTENSION. (Section 1 of the Act)

Section 550.110 Incorporated Materials

The following are standards incorporated or referenced in this Part:

a) Codes and Standards

1) Glasgow Coma Scale
Champion HR, Sacco WJ, Camazzo AJ et al:
CritCare Med 9(9): 627-676, 1981
(See 77 Ill. Adm. Code 540.90)

2) Revised Trauma Score
American College of Surgeons
55 East Erie St.
Chicago, Illinois 60611
(See 77 Ill. Adm. Code 540.90)

3) Abbreviated Injury Scale (1985)
American Association of Automotive Medicine
Arlington Heights, Illinois 60005

4) Injury Severity Scale
Baker SP, O'Neil B, Hadon W, et al:
Journal of Trauma 1974; 14: 187-195

5) International Classification of Diseases, the Revision, Clinical Modification (ICD-9-CM)
Alphabetic Index to External Causes of Injury (E-Code) Second Printing 1980
Commission on Professional and Hospital Activities
1968 Green Road
Ann Arbor, Michigan 48105

b) State of Illinois Statutes

1) Hospital Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 142 et seq);

2) "AN ACT in relation to certain injuries" (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7851 et seq.).

- c) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

Section 550.120 Reporting Requirements

- a) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN AN INFORMATION REGISTRY AND REPORTING SYSTEM FOR THE PURPOSE OF DATA COLLECTION AND NEEDS ASSESSMENT OF HEAD AND SPINAL CORD INJURED PERSONS IN THIS STATE. (Section 2 of the Act)
- b) Each hospital with an emergency department must report the information specified in subsection (c) using the Department provided Trauma Registry software. Hospitals which can show hardship as represented by a lack of the required computer equipment in the hospital may report on forms provided by the Department. Each hospital should have available for use a Microsoft Disc Operating System (MS-DOS), IBM compatible microcomputer with a hard disk (minimal capacity of 10 megabytes), and a 2400 Baud Hayes-compatible modem. The Department shall provide Trauma Registry software for use by the facility. This software should be used for collection of data on head and spinal cord injuries.
- c) All hospitals with emergency departments, shall provide the following information quarterly on each patient diagnosed as a head or spinal cord injured patient that is admitted to the hospital or arrives at the emergency department and dies before admission to the hospital:

- 1) Patient name;
- 2) Date of birth;
- 3) Sex;
- 4) Race;
- 5) Social Security Number;
- 6) Home Zip Code;
- 7) Location of geographical sites where injury occurred;
- 8) Type of site where injury occurred (i.e., home, school, road, etc.);
- 9) Mechanism of injury (International Classification of Disease (ICD) 9 E codes - 4 digits);
- 10) Initial Trauma Triage score (such as the Glasgow Coma Scale, or the Trauma Score may be utilized);
- 11) 6 digit ambulance license number of transporting vehicle;
- 12) Pre-hospital treatment;
- 13) Trauma triage score upon arrival at hospital;
- 14) Treatment prior to surgery;
- 15) Times of:

- A) injury,
B) start of pre-hospital treatment,
C) arrival in Emergency Department, and
D) start of surgery;

- 16) Trauma score prior to transfer;
- 17) Method and reason for transfer;
- 18) Trauma score upon arrival at the next level of care;
- 19) Treatment prior to surgery/transfer;
- 20) Surgical procedures;
- 21) Complications;
- 22) Abbreviated Injury Score for each injury (Abbreviated Injury Score of the American Association of Automotive Medicine);
- 23) Injury Severity Score (range from 1 to 75) (I.S.S.);
- 24) Total hospital stay (subdivided into Intensive Care Unit (ICU) and non-ICU);
- 25) Patient outcome;
- 26) ICD 9 N Code for nature of illness;
- 27) Method of payment used by patient;
- 28) Total charges for care provided;
- 29) Total unreimbursed care provided;
- 30) Date of initial injury; and
- 31) Date injury was identified or diagnosed by health care provider. (See subsection (d))

- d) REPORTS OF HEAD AND SPINAL CORD INJURIES SHALL BE FILED WITH THE DEPARTMENT BY A HOSPITAL ADMINISTRATOR OR HIS DESIGNEE WITHIN 30 DAYS OF IDENTIFICATION (Section 2 of the Act). These reports shall consist of the number of reportable cases. The reporting information required by subsection (c) shall be reported quarterly. Reportable head and spinal cord injuries include the following ICD-9 Codes:

- 1) 800 Fracture of vault of skull;
- 2) 801 Fracture of base of skull;
- 3) 802 Fracture of face bones except nasal bones;
- 4) 803 Other and unqualified skull fractures;
- 5) 804 Multiple fractures involving skull or face with other bones;
- 6) 805 Fracture of vertebral column without mention of spinal cord lesion;
- 7) 806 Fracture of vertebral column with spinal cord lesion;
- 8) 839 Other, multiple and ill-defined dislocations;
- 9) 850 Concussions;
- 10) 851 Cerebral laceration and contusion;
- 11) 852 Subarachnoid, subdural and extradural hemorrhage, following injury;
- 12) 853 Other and unspecified intracranial hemorrhage following injury;
- 13) 854 Intracranial injury of other and unspecified nature;

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- 14) 907 Late effects of injuries to the nervous system;
- 15) 925 Crushing injury of face, scalp, and neck;
- 16) 926 Crushing injury of trunk;
- 17) 950 Injury to optic nerve and pathways;
- 18) 951 Injury to other cranial nerves;
- 19) 952 Spinal cord lesion without evidence of spinal bone injury;
- 20) 953 Injury to nerve roots and spinal plexus; and
- 21) 959 Injury, other and unspecified.

Section 55q130 Confidentiality

- a) ALL REPORTS AND RECORDS MADE PURSUANT TO THE ACT AND MAINTAINED BY THE DEPARTMENT AND OTHER APPROPRIATE PERSONS, OFFICIALS AND INSTITUTIONS PURSUANT TO THE ACT SHALL BE CONFIDENTIAL. INFORMATION SHALL NOT BE MADE AVAILABLE TO ANY INDIVIDUAL OR INSTITUTION EXCEPT TO:

- 1) APPROPRIATE STAFF OF THE DEPARTMENT;
- 2) ANY PERSON ENGAGED IN A BONA FIDE RESEARCH PROJECT, WITH THE PERMISSION OF THE DIRECTOR OF PUBLIC HEALTH, EXCEPT THAT NO INFORMATION IDENTIFYING THE SUBJECTS OF THE REPORTS OR THE REPORTERS SHALL BE MADE AVAILABLE TO RESEARCHERS UNLESS THE DEPARTMENT REQUESTS AND RECEIVES CONSENT FOR SUCH RELEASE PURSUANT TO THE PROVISIONS OF THIS SECTION; AND
- 3) THE COUNCIL, EXCEPT THAT NO INFORMATION IDENTIFYING THE SUBJECTS OF THE REPORTS OR THE REPORTERS SHALL BE MADE AVAILABLE TO THE COUNCIL UNLESS CONSENT FOR RELEASE IS REQUESTED AND RECEIVED PURSUANT TO THE PROVISIONS OF THIS SECTION. ONLY INFORMATION PERTAINING TO HEAD AND SPINAL CORD INJURIES AS DEFINED IN SECTION 1 OF THE ACT SHALL BE RELEASED TO THE COUNCIL. (Section 3 of the Act)
- b) THE DEPARTMENT SHALL NOT REVEAL THE IDENTITY OF A PATIENT, PHYSICIAN OR HOSPITAL, EXCEPT THAT THE IDENTITY OF THE PATIENT MAY BE RELEASED UPON WRITTEN CONSENT OF THE PATIENT, PARENT (in the case of a minor patient) OR GUARDIAN, THE IDENTITY OF THE PHYSICIAN MAY BE RELEASED UPON WRITTEN CONSENT OF THE PHYSICIAN; AND THE IDENTITY OF THE HOSPITAL MAY BE RELEASED UPON WRITTEN CONSENT OF THE HOSPITAL. (Section 3 of the Act)
- c) THE DEPARTMENT SHALL REQUEST CONSENT FOR RELEASE FROM A PATIENT, A PHYSICIAN OR HOSPITAL ONLY UPON A SHOWING BY THE APPLICANT FOR SUCH RELEASE THAT OBTAINING THE IDENTITIES OF CERTAIN PATIENTS, PHYSICIANS OR HOSPITALS IS NECESSARY FOR HIS BONA FIDE RESEARCH DIRECTLY RELATED TO THE OBJECTIVES OF THE ACT. (Section 3 of the Act.)

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- d) THE DEPARTMENT SHALL AT LEAST ANNUALLY COMPILE A REPORT OF THE DATA ACCUMULATED THROUGH THE REPORTING SYSTEM ESTABLISHED UNDER SECTION 2 OF THE ACT AND SHALL SUBMIT SUCH DATA RELATING TO SPINAL CORD AND HEAD INJURIES IN ACCORDANCE WITH CONFIDENTIALITY RESTRICTIONS ESTABLISHED PURSUANT TO THE ACT TO THE COUNCIL. (Section 3 of the Act)
- e) Availability of Registry Information
 - 1) All requests by medical or epidemiologic researchers for confidential Registry data must be submitted in writing to the Registry. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; including methods for documenting compliance with 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-b; methods for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g. federal contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.
 - 2) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient or facility identifying information shall be subject at a review to determine compliance with the following conditions:
 - A) The request for patient or facility identifying information contains stated goals or objectives.
 - B) The request documents the feasibility of the study design in achieving the stated goals or objectives.
 - C) The request documents the need for the requested data to achieve the stated goals and objectives.
 - D) The requested data can be provided within the timeframe set forth in the request.
 - E) The request documents that the researcher has qualifications relevant to the type of research being conducted.

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3) Research Agreements

- F) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.
- G) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights because the Department will only release the patient, physician in accordance with the provisions of this Section or facility identifying information which is necessary for the research.
- A) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used in accordance with the standards in subsection (c) above. In addition, the researcher shall include an assurance that:
 - i) use of data is restricted to the specifications of the protocol;
 - ii) any and all data which may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly privileged and confidential and agrees to keep all such data strictly confidential at all times;
 - iii) all officers, agents and employees will keep all such data strictly confidential, will communicate the requirements of this Section to all officers, agents, and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within forty-eight (48) hours of any violation of this Section, including full details of the violation and corrective actions to be taken;
 - iv) all data provided by the Department pursuant to this contract may only be used for the purposes named in this contract and that any other or additional use of the data may result in immediate termination of this contract by the Department;
 - v) all data provided by the Department pursuant to this

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- contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of this contract.
- B) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) above prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.
- 4) The Department shall disclose individual patient or facility information to the reporting facility, which originally supplied that information to the Department, upon written request of the facility
- f) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Part 21 of Article 8 of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by the Part 21 of Article 8 of the Code of Civil Procedure.
- g) THE IDENTITY of any facility, or ANY GROUP OF FACTS WHICH TENDS TO LEAD TO THE IDENTITY, OF ANY PERSON WHOSE CONDITION OR TREATMENT IS SUBMITTED TO THE DEPARTMENT SHALL NOT BE OPEN TO PUBLIC INSPECTION OR DISSEMINATION. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. ALL INFORMATION FOR SPECIFIC RESEARCH PURPOSES MAY BE RELEASED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE DEPARTMENT IN THIS SECTION. (Section 4(d) of the Act)
- h) Every hospital shall provide representatives of the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information. The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital and the Department. The Department shall not require hospitals to provide information on cases which are dated more than two years before the Department's request for further information.
- i) Every hospital shall provide access to information regarding specified patients or other patients specified for research studies, related to reportable registry information, conducted by the Department. Any disputes as to access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

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1) Heading of the Part:
Illinois Trauma Center Code

j) NO INDIVIDUAL OR ORGANIZATION PROVIDING INFORMATION TO THE DEPARTMENT IN ACCORDANCE WITH THE ACT SHALL BE HELD LIABLE IN A CIVIL OR CRIMINAL ACTION FOR DIVULGING CONFIDENTIAL INFORMATION UNLESS SUCH INDIVIDUAL ORGANIZATION ACTED IN BAD FAITH OR WITH MALICIOUS PURPOSE. (Section 4 of the Act)

2) Code Citation:
77 Ill. Adm. Code 540

3) Section Numbers:
540.65
540.90
540.100
540.200

Adopted Action:

New Section
Amendments
Amendments
New Section

4) Statutory Authority:
Emergency Medical Services (EMS) Systems Act
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 5501 et seq.

5) Effective Date of Rules:
January 15, 1991

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X
If "yes," please specify date: ___

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X
If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:
January 15, 1991

9) Date Notice(s) of Proposal was Published in Illinois Register:
July 6, 1990 - 14 Ill. Reg. 10665

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ___ No X

If "yes," please complete the following:

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- A) Statement of Objection: _____, Ill. Reg. _____
- B) Agency Response: _____, Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to the Joint Committee: _____

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. Section 540.65

- a) Patients classified as trauma cases in the field or in any pre-hospital setting, in accordance with the Trauma Region Plan, shall be evaluated by the trauma center's attending emergency department physician or designee immediately upon arrival at the emergency department.
- b) Hospital triage in Level I and Level II Trauma Centers shall be established so that all patients presented to the emergency department secondary to injury shall be evaluated to assess whether or not the patient should be classified as a trauma case, in accordance with the Trauma Region Plan. This evaluation may be conducted by the attending emergency department physician or his/her designee or registered nurse or trauma surgeon who is covering the emergency department. The evaluation shall be conducted within 10 minutes of the patient's arrival at the emergency department.

2. Section 540.100(b)

- b) The facility shall provide the following information on each trauma patient that is admitted to the Trauma Center:

- 1) Patient name;
- 2) Date of birth;
- 3) Sex;
- 4) Race;
- 5) Social Security Number;
- 6) Home zip code;
- 7) Location of geographical site where injury occurred;
- 8) Type of site where injury occurred (i.e. home, school, road, etc.);
- 9) Mechanism of injury (International Classification of Disease (ICD) 9 E codes - 4 digits);
- 10) Initial Trauma Triage score (such as the Glasgow Coma

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- Scale, or the Trauma Score may be utilized;
- 11) 6 digit ambulance license number of transporting vehicle;
 - 12) Pre-hospital treatment;
 - 13) Trauma triage score upon arrival to hospital;
 - 14) Treatment prior to surgery;
 - 15) Times of:
 - A) injury,
 - B) start of pre-hospital treatment,
 - C) arrival in emergency Department, and
 - D) start of surgery;
 - 16) Trauma score prior to transfer;
 - 17) Method and reason for transfer;
 - 18) Trauma score upon arrival at the next level of care;
 - 19) Treatment prior to surgery/transfer;
 - 20) Surgical procedures;
 - 21) Complications;
 - 22) Other surgical procedures;
 - 23) Abbreviated Injury Score for each injury (current Abbreviated Injury Score of the American Association of Automotive Medicine);
 - 24) Injury Severity Score (range from 1 to 75) (I.S.S.);
 - 25) Total hospital stay (subdivided into ICU and non-ICU);
 - 26) Patient outcome (died, discharged, transferred, etc.);
 - 27) ICD 9 N code for nature of illness;
 - 28) Method of Payment use by patient;
 - 29) Total charges for east-of care provided;
 - 30) Total unreimbursed care provided;
 - 31) Date of initial injury; and
 - 32) Date injury was identified or diagnosed by health care provider.

- f) All data received by the Department shall be kept confidential. Patient identifiers shall be kept in such a way to assure that confidentiality is maintained and is not available to the public.

- 1) ALL REPORTS AND RECORDS MADE PURSUANT TO THE ACT AND MAINTAINED BY THE DEPARTMENT AND OTHER APPROPRIATE PERSONS, OFFICIALS AND INSTITUTIONS PURSUANT TO THE ACT SHALL BE CONFIDENTIAL. INFORMATION SHALL NOT BE MADE AVAILABLE TO ANY INDIVIDUAL OR INSTITUTION EXCEPT TO:

- A) APPROPRIATE STAFF OF THE DEPARTMENT;
- B) ANY PERSON ENGAGED IN A BONA FIDE RESEARCH PROJECT, WITH THE PERMISSION OF THE DIRECTOR OF PUBLIC HEALTH, EXCEPT THAT NO INFORMATION IDENTIFYING THE SUBJECTS OF THE REPORTS OR THE REPORTERS SHALL BE MADE AVAILABLE TO RESEARCHERS UNLESS THE DEPARTMENT REQUESTS AND RECEIVES CONSENT FOR

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SUCH RELEASE PURSUANT TO THE PROVISIONS OF THIS SECTION; AND

C) THE COUNCIL, EXCEPT THAT NO INFORMATION IDENTIFYING THE SUBJECTS OF THE REPORTS OR THE REPORTERS SHALL BE MADE AVAILABLE TO THE COUNCIL UNLESS CONSENT FOR RELEASE IS REQUESTED AND RECEIVED PURSUANT TO THE PROVISIONS OF THIS SECTION. ONLY INFORMATION PERTAINING TO HEAD AND SPINAL CORD INJURIES, AS DEFINED IN SECTION 1 OF THE ACT SHALL BE RELEASED TO THE COUNCIL. (Section 3 of the Act)

2) THE DEPARTMENT SHALL NOT REVEAL THE IDENTITY OF A PATIENT, PHYSICIAN OR HOSPITAL, EXCEPT THAT THE IDENTITY OF THE PATIENT MAY BE RELEASED UPON WRITTEN CONSENT OF THE PATIENT, PARENT OR GUARDIAN; THE IDENTITY OF THE PHYSICIAN MAY BE RELEASED UPON WRITTEN CONSENT OF THE PHYSICIAN; AND THE IDENTITY OF THE HOSPITAL MAY BE RELEASED UPON WRITTEN CONSENT OF THE HOSPITAL. (Section 3 of the Act)

3) THE DEPARTMENT SHALL REQUEST CONSENT FOR RELEASE FROM A PATIENT, A PHYSICIAN OR HOSPITAL ONLY UPON A SHOWING BY THE APPLICANT FOR SUCH RELEASE THAT OBTAINING THE IDENTITIES OF CERTAIN PATIENTS, PHYSICIANS OR HOSPITALS IS NECESSARY FOR HIS BONA FIDE RESEARCH DIRECTLY RELATED TO THE OBJECTIVES OF THE ACT. (Section 3 of the Act)

g) Availability of Registry Information

1) All requests by medical or epidemiologic researchers for Confidential Registry data must be submitted in writing to the Registry. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; including methods for documenting compliance with 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-b; methods for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g. federal contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.

2) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions:

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A) The request for patient or facility identifying information contains stated goals or objectives.

B) The request documents the feasibility of the study design in achieving the stated goals and objectives.

C) The request documents the need for the requested data to achieve the stated goals and objectives.

D) The requested data can be provided within the timeframe set forth in the request.

E) The request documents that the researcher has qualifications relevant to the type of research being conducted.

F) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.

G) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights because the Department will only release the patient, physician in accordance with the provisions of this Section or facility identifying information which is necessary for the research.

3) Research Agreements.

A) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used in accordance with the standards in subsection (c) above. In addition, the researcher shall include an assurance that:

- i) use of data is restricted to the specifications of the protocol;
- ii) any and all data which may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly privileged and confidential and agrees to keep all such data strictly confidential at all times;
- iii) all officers, agents and employees will keep all such data strictly confidential, will communicate the

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requirements of this Section to all officers, agents, and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within forty-eight (48) hours of any violation of this Section, including full details of the violation and corrective actions to be taken.

- iv) all data provided by the Department pursuant to this contract may only be used for the purposes named in this contract and that any other or additional use of the data may result in immediate termination of this contract by the Department;
- v) all data provided by the Department pursuant to this contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of this contract.
- B) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) above prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.
- 4) The Department shall disclose individual patient or facility information to the reporting facility, which originally supplied that information to the Department, upon written request of the facility.
- h) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Part 21 of Article 8 of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by the Part 21 of Article 8 of the Code of Civil Procedure.
- i) THE IDENTITY OF ANY FACILITY, OR ANY GROUP OF FACTS WHICH TENDS TO LEAD TO THE IDENTITY, OF ANY PERSON WHOSE CONDITION OR TREATMENT IS SUBMITTED TO THE DEPARTMENT SHALL NOT BE OPEN TO PUBLIC INSPECTION OR DISSEMINATION. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. ALL INFORMATION FOR SPECIFIC RESEARCH PURPOSES MAY BE RELEASED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE DEPARTMENT IN THIS SECTION. (Section 4(d) of the Act.).
- j) Every hospital shall provide representatives of the Department with

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access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information. The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital and the Department. The Department shall not require hospitals to provide information on cases which are dated more than two years before the Department's request for further information.

- k) Every hospital shall provide access to information regarding specified patients or other patients specified for research studies, related to reportable registry information, conducted by the Department. Any disputes as to access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

4. Section 540.200

- a) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO INSPECT DESIGNATED TRAUMA CENTERS IN ORDER TO ASSURE SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF THE ACT AND THIS PART. Substantial Compliance, for the purpose of this Section, means compliance with the requirements of this Part, except for a variance from the strict and literal performance which results in unimportant omissions or defects given the particular circumstances involved. INFORMATION RECEIVED BY THE DEPARTMENT THROUGH FILED REPORTS, INSPECTION OR AS OTHERWISE AUTHORIZED UNDER THE ACT SHALL NOT BE DISCLOSED PUBLICLY IN SUCH A MANNER AS TO IDENTIFY INDIVIDUALS OR HOSPITALS, EXCEPT IN A PROCEEDING INVOLVING THE DENIAL OR REVOCATION OF A TRAUMA CENTER DESIGNATION. (Section 27 of the Act)
- b) IF THE DIRECTOR DETERMINES THAT A TRAUMA CENTER IS IN VIOLATION OF THE ACT, OR ANY RULE OF THIS PART, THE DIRECTOR SHALL TAKE THE FOLLOWING ACTION, AS APPROPRIATE:
 - 1) IF THE DIRECTOR DETERMINES THAT THE VIOLATION PRESENTS A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM WILL RESULT AND IF THE TRAUMA CENTER FAILS TO ELIMINATE THE VIOLATION IMMEDIATELY OR WITHIN A FIXED PERIOD OF TIME, NOT EXCEEDING 25 DAYS, AS DETERMINED BY THE DIRECTOR, THE DIRECTOR MAY IMMEDIATELY REVOKE THE TRAUMA CENTER DESIGNATION. THE TRAUMA CENTER MAY APPEAL THE REVOCATION BY REQUESTING A HEARING AS PROVIDED BY SECTION 25 OF THE ACT.
 - 2) IF THE DIRECTOR DETERMINES THAT THE VIOLATION DOES NOT PRESENT A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS

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PHYSICAL HARM WILL RESULT, THE DIRECTOR SHALL REQUEST A PLAN OF CORRECTION WHICH SHALL BE SUBJECT TO THE DEPARTMENT'S APPROVAL. THE TRAUMA CENTER SHALL HAVE 10 DAYS AFTER THE RECEIPT OF THE NOTICE OF VIOLATION IN WHICH TO SUBMIT A PLAN OF CORRECTION. THE DEPARTMENT MAY EXTEND THIS PERIOD FOR UP TO 30 DAYS. The Department will consider the following factors in determining whether or not to extend the period for submission of the plan of correction to a maximum of 30 days: whether a substantial probability that death or serious physical harm will result still exists, and whether the delay could lead to physical harm. THE PLAN SHALL INCLUDE A FIXED TIME PERIOD NOT IN EXCESS OF 90 DAYS WITHIN WHICH VIOLATIONS ARE TO BE CORRECTED. THE PLAN OF CORRECTION AND THE STATUS OF ITS IMPLEMENTATION BY THE TRAUMA CENTER SHALL BE PROVIDED, AS APPROPRIATE, TO ALL PARTICIPANTS OF THE APPROPRIATE EMS SYSTEMS. IF THE DEPARTMENT REJECTS A PLAN OF CORRECTION, IT SHALL SEND NOTICE OF THE REJECTION AND THE REASON FOR THE REJECTION TO THE TRAUMA CENTER. THE TRAUMA CENTER SHALL HAVE 10 DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION IN WHICH TO SUBMIT A MODIFIED PLAN. IF THE MODIFIED PLAN IS NOT TIMELY SUBMITTED, OR IF THE MODIFIED PLAN IS REJECTED, THE TRAUMA CENTER SHALL FOLLOW AN APPROVED PLAN OF CORRECTION IMPOSED BY THE DEPARTMENT. IF, AFTER NOTICE AND OPPORTUNITY FOR HEARING, THE DIRECTOR DETERMINES THAT A TRAUMA CENTER HAS FAILED TO COMPLY WITH AN APPROVED PLAN OF CORRECTION, THE DIRECTOR MAY REVOKE THE TRAUMA CENTER DESIGNATION. SUCH NOTICE AND HEARING SHALL CONFORM TO THE PROVISIONS OF SECTION 25 OF THE ACT. (Section 27 of the Act).

3) The degree of danger or harm to a patient or patients which is posed by a violation of this Part shall be assessed using the following factors:

- A) Whether the patient or patients of the facility are able to recognize conditions or occurrences which may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the residents as indicated by review of patient needs will be considered in relation to this determination.
- B) Whether the patient or patients have access to the area of the facility in which the condition or occurrence exists and the extent of such access. A facility's use of barriers, warning notices, instructions to staff and other means of restricting patient access to hazardous areas will be considered.

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- C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.
- D) Whether the patient or patients of the facility were notified of the condition or occurrence and the promptness of such notice. Failure of the facility to notify patients of potentially harmful conditions or occurrences will be considered. The adequacy of the method of such notification and the extent to which such notification reduced the potential danger to the residents to the residents will also be considered.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. "Secondary to injury" was replaced with "as a result of injury" in Section 540.65(b).
2. "May" was changed to "shall" in Section 540.65(b).
3. "25 days" was changed to "15 days" in Section 540.200(b)(1).
4. Subsection 540.100(b)(22) was deleted.
5. In Section 540.100(b)(23), line one, "current" was deleted.
6. In Section 540.100(b)(25), "ICU" was replaced with "Intensive Care Unit (ICU)."
7. In Section 540.100(b)(27), "Code" was capitalized.
8. In Section 540.200 Appendix A, the title was changed to "A Request for Designation (RFD) Trauma Center."
9. In Section 540.100(f)(1)(C), the period between "Injuries" and "As" was deleted and "As" was changed to "as."
10. In Section 540.100(c), a hyphen was inserted between "in" and "depth."
11. In Section 540.200(b)(3)(A), the final "s" was deleted in "self-pervations."
12. In Section 540.200(b)(3)(D), the final "l" was deleted in "harmfull."
13. In Section 540.200(b)(3)(D), the phrase "to the residents" was deleted the second time it occurred.

The Department has also included changes in the Table of Contents, Source

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Note, and Authority Note to reflect amendments to this Part that were adopted at 14 Ill. Reg. 19041, effective December 15, 1990.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

- 14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

- 15) Summary and Purpose of Rules:

The Illinois Trauma Center Code includes rules for the designation of Level I and Level II Trauma Centers. The proposed changes to these rules set further standards for trauma patient care and give the Department power to enforce Trauma Center Standards pursuant to P.A. 86-439.

Section 540.65 has been added to clarify the time frame in which a patient must be seen by medical personnel in a Trauma Center emergency department.

In Section 540.90, statutory language from P.A. 86-406 has been added which provides for including a representative of an ambulance service provider from each EMS System within the Trauma Region on the committee which develops the Trauma Region Plan.

In Section 540.100, the date of an injury and the date an injury is identified are added as elements to the Trauma Registry in order to effectuate use of the registry to collect head and spinal cord data required under AN ACT in relation to certain injuries (P.A. 86-510, effective January 1, 1990).

Section 535.200 consists of statutory language from P.A. 86-439 giving the Department power to inspect Trauma Centers for compliance with the Act and

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permitting the Department to revoke designation or impose a plan of correction depending on the severity of a violation.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER F: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

PART 540
ILLINOIS TRAUMA CENTER CODE

Section	Purpose and Applicability
540.10	Definitions
540.20	Incorporated Materials
540.30	Trauma Center Designation to Local Health Departments
540.35	Trauma Region Designation
540.40	Trauma Center Designation
540.50	Application Process
540.60	Trauma Patient Evaluation
540.65	Level I Trauma Center Designation Criteria
540.70	Level II Trauma Center Designation Criteria
540.80	Trauma Region Plan
540.90	Uniform Reporting Requirements
540.100	Term of Designation
540.110	Renewal of Designation
540.120	Inspections and Investigations
540.130	Denial of Application for Designation or Request for Renewal
540.140	Voluntary Termination of Designation
540.150	Compensatory Provisions and Shortage Areas
540.160	Misrepresentation
540.170	Failure to Develop Protocols
540.180	Confidentiality and Immunity
540.190	Inspection and Revocation of Designation
540.200	Level I Trauma Center Grants
540.210	Appendix A Request for Designation (RFD) Trauma Center

AUTHORITY: Implementing and authorized by Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 5501 et seq., as amended by P.A. 86-1136, effective July 13, 1990.

SOURCE: Adopted at 11 Ill. Reg. 20153, effective December 1, 1987; amended at 13 Ill. Reg. 15441, effective September 15, 1989; emergency amendment at 14 Ill. Reg. 13856, effective August 13, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 19041, effective December 15, 1990; amended at 15 Ill. Reg. 1084, effective January 15, 1991.

NOTE: Capitalization denotes statutory language.

Section 540.65 Trauma Patient Evaluation

- a) Patients classified as trauma cases in the field or in any pre-hospital setting, in accordance with the Trauma Region Plan,

shall be evaluated by the trauma center's attending emergency department physician or designee immediately upon arrival at the emergency department.

- b) Hospital triage in Level I and Level II Trauma Centers shall be established so that all patients presented to the emergency department as a result of injury shall be evaluated to assess whether or not the patient should be classified as a trauma case, in accordance with the Trauma Region Plan. This evaluation shall be conducted by the attending emergency department physician or his/her designee or a registered nurse or trauma surgeon who is covering the emergency department. The evaluation shall be conducted within 10 minutes of the patient's arrival at the emergency department.

- c) The response period for trauma or general surgery, as specified in Section 540.80 (c), shall begin when a patient is classified as a trauma case, either by field triage protocols as established by that Region's Trauma Plan, or by hospital triage.

(Source: Added at 15 Ill. Reg. 1084, effective January 15, 1991)

Section 540.90 Trauma Region Plan

- a) Within six (6) months of designation by the Department, the Level I Trauma Center serving a Trauma Region shall submit to the Department a Trauma Region Plan. If more than one Level I Trauma Center serves a Trauma Center Region, then the Level I Trauma Centers must establish and implement an agreement of cooperation for the review and coordination of services within the Trauma Center Region.
- b) THE LEVEL I TRAUMA CENTER SHALL ASSEMBLE A COMMITTEE WHICH SHALL DEVELOP THE TRAUMA REGION PLAN. THE COMMITTEE SHALL CONSIST OF:
- 1) THE TRAUMA REGION'S LEVEL I TRAUMA CENTER MEDICAL DIRECTOR;
 - 2) THE TRAUMA REGION'S LEVEL II TRAUMA CENTER MEDICAL DIRECTORS;
 - 3) THE PROJECT MEDICAL DIRECTORS FROM ALL THE EMS SYSTEMS WITHIN THE TRAUMA REGION;
 - 4) THE PROJECT MEDICAL DIRECTORS FROM ALL EMS SYSTEMS OUTSIDE THE TRAUMA REGION WHICH TRANSFER PATIENTS INTO THE TRAUMA REGION;
 - 5) ADMINISTRATORS OF THE ASSOCIATE HOSPITALS OF THE EMS SYSTEM OF WHICH THE PREHOSPITAL CARE PROVIDER IS A PART;
 - 6) NURSING DIRECTORS OF THE ASSOCIATE HOSPITALS OF THE EMS SYSTEM OF WHICH THE PREHOSPITAL CARE PROVIDER IS A PART.
 - 7) A REPRESENTATIVE OF AN AMBULANCE SERVICE PROVIDER FROM EACH EMS SYSTEM WITHIN THE TRAUMA REGION. (Section 27e of the Act).
- c) The Trauma Region Plan shall include but not be limited to the following:

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- 1) Protocols addressing the following:
 - A) The treatment of trauma patients in each Trauma Center in the Trauma Region;
 - B) The evaluation and identification of when patients shall be transported to a Trauma Center, Affiliate Trauma Hospital, or other hospital;
 - C) The bypassing of any level Trauma Hospital;
 - D) The transfer of trauma patients to a Level I Trauma Center or to more specialized care;
 - E) Field triage;
 - F) Hospital triage;
 - G) Medical/legal issues; and
 - H) Local conflict mediation.
- 2) Written agreements addressing the following:
 - A) The respective responsibilities of the Level I Trauma Center, the Level II Trauma Centers, the Affiliate Trauma Hospitals and the EMS Systems within the Trauma Region in providing integrated trauma services, transportation and communications; and
 - B) The respective responsibilities of EMS Systems and hospitals providing specialty care outside of the Trauma Region in providing trauma patient care.
- 3) A Disaster Preparedness Plan which includes the actions and responsibilities of the Level I Trauma Center, the Level II Trauma Centers, the Affiliate Trauma Hospitals and the EMS Systems within the Trauma Region;
- 4) A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients at all Trauma Centers and Affiliate Trauma Hospitals; and
- 5) A program for informing all participants involved in the care of trauma patients within the Trauma Region of field triage treatment protocols and all other aspects of the Trauma Region Plan.

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- d) Revised Trauma Score
 - 1) The Revised Trauma Score, as specified by the American College of Surgeons, shall be used in all Trauma Regions. The Revised Trauma Score is determined by using the following criteria:

A) Respiratory Rate	Value	Points
	10-29/min.	4
	greater than 29/min.	3
	6-9/min.	2
	1-5/min.	1
	0	0
 - B) Systolic Blood Pressure

greater than 89	4
76-89	3
50-75	2
1-49	1
0	0
 - C) Glasgow Coma Scale

i) Eye Opening Response	Points
Spontaneous	4
To Voice	3
To Pain	2
None	1

ii) Best Verbal Response	Points
Oriented	5
Confused	4
Inappropriate Words	3
Incomprehensible Sounds	2
None	1

iii) Best Motor Response	Points
Obeys Commands	6
Localizes (Pain)	5
Withdraws (Pain)	4
Flexion (Pain)	3
Extension (Pain)	2
None	1
- Total GCS
13-15 = 4
9-12 = 3
6-8 = 2
- Revised Trauma Points

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4-5
3
= 1
= 0

Revised Trauma Score = Total Points A+B+C

- 2) Each Trauma Region may include other criteria in addition to the Revised Trauma Score in defining a trauma patient and specifying where trauma patients should be transported according to the severity of the injury.

(Source: Amended at 15 Ill. Reg. 1084, effective January 15, 1991)

Section 540.100 Uniform Reporting Requirements

- a) Each facility shall have available to the Trauma Service, use of a Micro Soft Disc Operating System (MS-DOS), IBM Compatible microcomputer with a hard disk (minimal capacity of 10 megabytes). The Department shall provide Trauma Registry software for use by the facility. This software shall be used for data collection and shall have a provision to prepare electronic media reports to the Department on a quarterly basis.

- b) The facility shall provide the following information on each trauma patient that is admitted to the Trauma Center:

- 1) Patient name;
- 2) Date of birth;
- 3) Sex;
- 4) Race;
- 5) Social Security Number;
- 6) Home zip code;
- 7) Location of geographical site where injury occurred;
- 8) Type of site where injury occurred (i.e. home, school, road, etc.);
- 9) Mechanism of injury (International Classification of Disease (ICD) 9 E codes - 4 digits);
- 10) Initial Trauma Triage score (such as the Glasgow Coma Scale, or the Trauma Score may be utilized);
- 11) 6 digit ambulance license number of transporting vehicle;
- 12) Pre-hospital treatment;
- 13) Trauma triage score upon arrival to hospital;
- 14) Treatment prior to surgery;
- 15) Times of:

- A) injury,
- B) start of pre-hospital treatment,
- C) arrival in Emergency Department, and
- D) start of surgery;

- 16) Trauma score prior to transfer;
- 17) Method and reason for transfer;
- 18) Trauma score upon arrival at the next level of care;
- 19) Treatment prior to surgery/transfer;
- 20) Surgical procedures;
- 21) Complications;
- 22) Other-surgical-procedures;
- 22a) Abbreviated Injury Score for each injury (current Abbreviated Injury Score of the American Association of Automotive Medicine);
- 22b) Injury Severity Score (range from 1 to 75) (I.S.S.);
- 22c) Injury Severity Score (subdivided into Intensive Care Unit (ICU) and non-ICU);
- 22d) Patient outcome (died, discharged, transferred, etc.);
- 2526) ICD9 N Code for nature of illness;
- 2527) Method of payment used by patient;
- 2728) Total charges for cost-of care provided; and
- 2829) Total unreimbursed care provided;
- 2930) Date of initial injury; and
- 30) Date injury was identified or diagnosed by health care provider.

c)

Data shall be collected for all trauma patients in the State for each level of Injury Severity Score mean mortality rates, and standard deviations shall be calculated using standard statistical methods. Trauma Centers with mortality rates more than one standard deviation above the mean in three (3) or more ISS levels shall have an in-depth evaluation by the Department prior to renewal of designation. Trauma Centers with mortality rates more than two standard deviations above the mean in any ISS level less than twenty-five (25) shall also be evaluated for compliance with the Act and this Part prior to renewal of designation. The Trauma Center's mortality rate shall not constitute the sole basis for refusing to renew a trauma center's designation.

d)

Data collected from individual Trauma Centers shall be cross-referenced with Vital Records Death Certificates to confirm accuracy;

e)

Annual reports shall be prepared by the Department presenting summary data to allow Trauma Centers and the public to evaluate performance. This data shall have all hospital and patient identifiers removed; and

f)

All data received by the Department shall be kept confidential. Patient identifiers shall be kept in such a way to assure that confidentiality is maintained and is not available to the public.

1)

ALL REPORTS AND RECORDS MADE PURSUANT TO THE ACT AND MAINTAINED BY THE DEPARTMENT AND OTHER APPROPRIATE PERSONS, OFFICIALS AND INSTITUTIONS PURSUANT TO THE ACT SHALL BE CONFIDENTIAL. INFORMATION SHALL NOT BE MADE AVAILABLE TO ANY INDIVIDUAL OR

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INSTITUTION EXCEPT TO:

- A) APPROPRIATE STAFF OF THE DEPARTMENT;
- B) ANY PERSON ENGAGED IN A BONA FIDE RESEARCH PROJECT, WITH THE PERMISSION OF THE DIRECTOR OF PUBLIC HEALTH, EXCEPT THAT NO INFORMATION IDENTIFYING THE SUBJECTS OF THE REPORTS OR THE REPORTERS SHALL BE MADE AVAILABLE TO RESEARCHERS UNLESS THE DEPARTMENT REQUESTS AND RECEIVES CONSENT FOR SUCH RELEASE PURSUANT TO THE PROVISIONS OF THIS SECTION; AND

- C) THE COUNCIL, EXCEPT THAT NO INFORMATION IDENTIFYING THE SUBJECTS OF THE REPORTS OR THE REPORTERS SHALL BE MADE AVAILABLE TO THE COUNCIL UNLESS CONSENT FOR RELEASE IS REQUESTED AND RECEIVED PURSUANT TO THE PROVISIONS OF THIS SECTION. ONLY INFORMATION PERTAINING TO HEAD AND SPINAL CORD INJURIES AS DEFINED IN SECTION 1 OF "AN ACT IN RELATION TO CERTAIN INJURIES" (111. Rev. Stat. 1989, Ch. 111 1/2, par. 7851 et seq.) SHALL BE RELEASED TO THE COUNCIL. (Section 3 of "AN ACT in relation to certain injuries")

- 2) THE DEPARTMENT SHALL NOT REVEAL THE IDENTITY OF A PATIENT, PHYSICIAN OR HOSPITAL, EXCEPT THAT THE IDENTITY OF THE PATIENT MAY BE RELEASED UPON WRITTEN CONSENT OF THE PATIENT, PARENT OR GUARDIAN, THE IDENTITY OF THE PHYSICIAN MAY BE RELEASED UPON WRITTEN CONSENT OF THE PHYSICIAN; AND THE IDENTITY OF THE HOSPITAL MAY BE RELEASED UPON WRITTEN CONSENT OF THE HOSPITAL. (Section 3 of "AN ACT in relation to certain injuries")

- 3) THE DEPARTMENT SHALL REQUEST CONSENT FOR RELEASE FROM A PATIENT, A PHYSICIAN OR HOSPITAL ONLY UPON A SHOWING BY THE APPLICANT FOR SUCH RELEASE THAT OBTAINING THE IDENTITIES OF CERTAIN PATIENTS, PHYSICIANS OR HOSPITALS IS NECESSARY FOR HIS BONA FIDE RESEARCH DIRECTLY RELATED TO THE OBJECTIVES OF THE ACT. (Section 3 of "AN ACT in relation to certain injuries")

g) Availability of Registry Information

- 1) All requests by medical or epidemiologic researchers for confidential registry data must be submitted in writing to the registry. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; including methods for documenting compliance with 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-bi; methods

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for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g. Federal Contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.

- 2) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions:
- A) The request for patient or facility identifying information contains stated goals or objectives.
- B) The request documents the feasibility of the study design in achieving the stated goals and objectives.
- C) The request documents the need for the requested data to achieve the stated goals and objectives.
- D) The requested data can be provided within the timeframe set forth in the request.
- E) The request documents that the researcher has qualifications relevant to the type of research being conducted.
- F) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.
- G) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights because the Department will only release the patient, physician in accordance with the provisions of this Section or facility identifying information which is necessary for the research.
- 3) Research Agreements.
- A) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can

those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Part 21 of Article 8 of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 8-2101). Therefore, this information is privileged from disclosure by the Part 21 of Article 8 of the Code of Civil Procedure.

i) The identity of any facility, or any group of facts which tends to lead to the identity, of any person whose condition or treatment is submitted to the Department shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.

ii) Every hospital shall provide representatives of the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information. The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital and the Department. The Department shall not require hospitals to provide information on cases which are dated more than two years before the Department's request for further information.

k) Every hospital shall provide access to information regarding specified patients or other patients specified for research studies, related to reportable registry information, conducted by the department. Any disputes as to access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 15 Ill. Reg. 1084, effective January 15, 1991)

Section 540.200 Inspection and Revocation of Designation

a) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO INSPECT DESIGNATED TRAUMA CENTERS IN ORDER TO ASSURE SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF THE ACT AND THIS PART. Substantial compliance, for the purpose of this Section, means compliance with the requirements of this Part, except for a variance from the strict and literal performance which results in unimportant omissions or defects given the particular circumstances involved. INFORMATION RECEIVED BY THE DEPARTMENT THROUGH FILED REPORTS, INSPECTION OR AS OTHERWISE AUTHORIZED UNDER THE ACT SHALL NOT BE DISCLOSED PUBLICLY IN SUCH A MANNER AS TO IDENTIFY INDIVIDUALS OR HOSPITALS, EXCEPT IN A PROCEEDING INVOLVING THE DENIAL OR REVOCATION OF A TRAUMA CENTER DESIGNATION. (Section 27 of the Act)

be used in accordance with the standards in subsection (c) above. In addition, the researcher shall include an assurance that:

i) Use of data is restricted to the specifications of the protocol;

ii) Any and all data which may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly privileged and confidential and agrees to keep all such data strictly confidential at all times;

iii) All officers, agents and employees will keep all such data strictly confidential, will communicate the requirements of this Section to all officers, agents, and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within forty-eight (48) hours of any violation of this Section, including full details of the violation and corrective actions to be taken;

iv) All data provided by the Department pursuant to this contract may only be used for the purposes named in this contract and that any other or additional use of the data may result in immediate termination of this contract by the Department;

v) All data provided by the Department pursuant to this contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of this contract.

B) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) above prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.

4) The Department shall disclose individual patient or facility information to the reporting facility, which originally supplied that information to the Department, upon written request of the facility.

h) The patient identifying information submitted to the Department by

- b) IF THE DIRECTOR DETERMINES THAT A TRAUMA CENTER IS IN VIOLATION OF THE ACT, OR ANY RULE OF THIS PART, THE DIRECTOR SHALL TAKE THE FOLLOWING ACTION, AS APPROPRIATE:

- 1) IF THE DIRECTOR DETERMINES THAT THE VIOLATION PRESENTS A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM WILL RESULT AND IF THE TRAUMA CENTER FAILS TO ELIMINATE THE VIOLATION IMMEDIATELY OR WITHIN A FIXED PERIOD OF TIME, NOT EXCEEDING 15 DAYS, AS DETERMINED BY THE DIRECTOR, THE DIRECTOR MAY IMMEDIATELY REVOKE THE TRAUMA CENTER DESIGNATION. THE TRAUMA CENTER MAY APPEAL THE REVOCATION BY REQUESTING A HEARING AS PROVIDED BY SECTION 25 OF THE ACT.
- 2) IF THE DIRECTOR DETERMINES THAT THE VIOLATION DOES NOT PRESENT A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM WILL RESULT, THE DIRECTOR SHALL REQUEST A PLAN OF CORRECTION WHICH SHALL BE SUBJECT TO THE DEPARTMENT'S APPROVAL. THE TRAUMA CENTER SHALL HAVE 10 DAYS AFTER THE RECEIPT OF THE NOTICE OF VIOLATION IN WHICH TO SUBMIT A PLAN OF CORRECTION. THE DEPARTMENT MAY EXTEND THIS PERIOD FOR UP TO 30 DAYS. The Department will consider the following factors in determining whether or not to extend the period for submission of the plan of correction to a maximum of 30 days: whether a substantial probability that death or serious physical harm will result still exists, and whether the delay could lead to physical harm. THE PLAN SHALL INCLUDE A FIXED TIME PERIOD NOT IN EXCESS OF 90 DAYS WITHIN WHICH VIOLATIONS ARE TO BE CORRECTED. THE PLAN OF CORRECTION AND THE STATUS OF ITS IMPLEMENTATION BY THE TRAUMA CENTER SHALL BE PROVIDED, AS APPROPRIATE, TO ALL PARTICIPANTS OF THE APPROPRIATE EMS SYSTEMS. IF THE DEPARTMENT REQUESTS A PLAN OF CORRECTION, IT SHALL SEND NOTICE OF THE REJECTION AND THE REASON FOR THE REJECTION TO THE TRAUMA CENTER. THE TRAUMA CENTER SHALL HAVE 10 DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION IN WHICH TO SUBMIT A MODIFIED PLAN. IF THE MODIFIED PLAN IS NOT TIMELY SUBMITTED, OR IF THE MODIFIED PLAN IS REJECTED, THE TRAUMA CENTER SHALL FOLLOW AN APPROVED PLAN OF CORRECTION IMPOSED BY THE DEPARTMENT. IF, AFTER NOTICE AND OPPORTUNITY FOR HEARING, THE DIRECTOR DETERMINES THAT A TRAUMA CENTER HAS FAILED TO COMPLY WITH AN APPROVED PLAN OF CORRECTION, THE DIRECTOR MAY REVOKE THE TRAUMA CENTER DESIGNATION. SUCH NOTICE AND HEARING SHALL CONFORM TO THE PROVISIONS OF SECTION 25 OF THE ACT. (Section 27 of the Act).

- 3) The degree of danger or harm to a patient or patients which is posed by a violation of this Part shall be assessed using the following factors:

- A) Whether the patient or patients of the facility are able to

recognize conditions or occurrences which may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the residents as indicated by review of patient needs will be considered in relation to this determination.

- B) Whether the patient or patients have access to the area of the facility in which the condition or occurrence exists and the extent of such access. A facility's use of barriers, warning notices, instructions to staff and other means of restricting patient access to hazardous areas will be considered.

- C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.

- D) Whether the patient or patients of the facility were notified of the condition or occurrence and the promptness of such notice. Failure of the facility to notify patients of potentially harmful conditions or occurrences will be considered. The adequacy of the method of such notification and the extent to which such notification reduced the potential danger to the residents will also be considered.

(Source: Added at 15 Ill. Reg. 1084, effective January 15, 1991)

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NOTICE OF ADOPTED RULES

- 1) Heading of Part: Illinois Uniform Conviction Information Act
- 2) Code Citation: 20 Ill. Adm. Code 1215
- 3) Section Numbers:

1215.10	Adopted Action:
1215.20	New Section
1215.30	New Section
1215.40	New Section
1215.50	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Uniform Conviction Information Act (Ill. Rev. Stat. 1989, ch. 38, pars. 1601 et seq.) and authorized by Section 55a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55a).
- 5) Effective Date of Rules: January 14, 1991
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: January 8, 1991
- 9) Notice of proposal published in Illinois Register:
August 3, 1990, 14 Ill. Reg. 12398
- 10) Has JCAR issued a Statement of Objections to these rules? No.

11) Differences between proposal and final version:

1. In Section 1215.20, "Section 3" has been referenced following the phrase "set forth in."
2. In Section 1215.30, the phrase "the requester's signature," is added to the third sentence after "...for the requester," and before "an indication of..."
3. In Section 1215.30, the sentence "Requests for employment or licensing purposes shall also be signed by the individual to whom the information request pertains." is added between the third and fourth sentence.
4. In Section 1215.50, the sentence "The general costs shall include, but are not limited to, personnel, supervision and training, telephone, electric, equipment, printing, postage, facilities, forms, and miscellaneous related costs." is added as the last sentence.

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5. In Sections 1215.30, 1215.40, and 1215.50, the words "will" and "must" have been changed to "shall."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: The Illinois Uniform Conviction Information Act greatly expands the public availability of criminal conviction information maintained by the Illinois State Police. These rules describe the procedures for obtaining this information.
- 16) Information and questions regarding this adopted rule shall be directed to:
Mr. James W. Redlich
Legal Advisor
Illinois State Police
103 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1215
ILLINOIS UNIFORM CONVICTION INFORMATION ACT

SUBPART A: PROMULGATION

Section
1215.10 Purpose
1215.20 Definitions

Section
1215.30 Request Procedures
1215.40 Response Procedures
1215.50 Fees

AUTHORITY: Implementing and authorized by the Illinois Uniform Conviction Information Act (Ill. Rev. Stat. 1989, ch. 38, pars. 1601 et seq.) and authorized by Section 55a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55a).

SOURCE: Adopted at 15 Ill. Reg. 1107, effective January 14, 1991.

SUBPART A: PROMULGATION

Section 1215.10 Purpose

The purpose of this Part is to provide requirements and procedures for uniform public access to conviction records.

Section 1215.20 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in Section 3 of the Illinois Uniform Conviction Information Act (Ill. Rev. Stat. 1989, ch. 38, par. 1603).

SUBPART B: OPERATIONS

Section 1215.30 Request Procedures

Requests for conviction information shall be made by completing a Conviction Information Request form provided by the Illinois State Police. These forms shall be made available through the Bureau of Identification, 260 North Chicago Street, Joliet, Illinois 60431. In order to be processed, Conviction Information Request forms shall at a minimum include a complete and accurate

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

mailing address for the requester, the requester's signature, an indication of whether the request is for licensing or employment purposes, and the record subject's name, race, sex, and date of birth. Requests for employment or licensing purposes shall also be signed by the individual to whom the information request pertains. All requests shall also be accompanied by the correct fee as established in Section 1215.50 and in the form of a cashier's check or money order.

Section 1215.40 Response Procedures

Prior to disseminating conviction information, the Department shall review its inprocess files to ensure that the information to be disseminated is complete. The Department shall mail responses to requests to the requester at the address indicated on the Conviction Information Request form.

Section 1215.50 Fees

The fee for processing requests for conviction information shall be set by the Director. The fee shall not exceed the general costs for processing such requests. The general costs shall include, but are not limited to, personnel, supervision and training, telephone, electric, equipment, printing, postage, facilities, forms, and miscellaneous related costs.

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DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Emergency Action:
113.155 Amendment
- 4) Statutory Authority: Sections 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-4 and 12-13)
- 5) Effective Date of Emergency Amendment: January 10, 1991
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

- 7) Date Filed in Agency's Principal Office: January 10, 1991
- 8) Reason for Emergency: The Consumer Price Index (CPI) for the period September 1988 thru September 1990 increased by 10.8%. Section 303 of the Medicare Catastrophic Coverage Act of 1988 requires that states adjust the community spouse minimum and maximum maintenance standards to reflect increases in the CPI. The most recent increase to the CPI is effective January 1, 1991.

Public Act 86-1457 requires the Department to set the Community Spouse Asset Allowance at the maximum amount permitted by federal law. This increase to the Asset Allowance will benefit most institutionalized persons as well as benefit spouses in the community. Therefore, emergency rulemaking is necessary.

- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that the amount of the community spouse maintenance needs standards shall be increased for calendar years after 1989 by the same percentage as the consumer price index for all urban consumers.

- 10) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
113.9	Amendment	January 18, 1991 (15 Ill. Reg. 384.)

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NOTICE OF EMERGENCY AMENDMENT

- | | | |
|------------------------|------------------------|---|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 113.141 | Amendment | December 14, 1990
(14 Ill. Reg. 19581) |
- 11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
 - 12) Information and questions regarding this Emergency Amendment shall be directed to:

Name:

Anita Williams, Staff Attorney
Office of the General Counsel

Address:

Illinois Department of Public Aid
Jesse B. Harris Bldg., II, 3rd flr.
100 South Grand Avenue East
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
113.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income
113.109	Earned Income
113.110	Budgeting Earned Income
113.111	Protected Income
113.112	Earned Income
113.113	Budgeting Earned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

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Section	
113.117	Budgeting Earned Income For Non-contractual School Employees
113.118	Termination of Employment
113.120	Exempt Earned Income
113.125	Recognized Employment Expenses
113.130	Income From Work/Study/Training Programs
113.131	Earned Income From Self-Employment
113.132	Earned Income From Roomer and Boarder
113.133	Earned Income From Rental Property
113.134	Earned Income In-Kind
113.139	Payments from the Illinois Department of Children and Family Services
113.140	Assets
113.141	Exempt Assets
113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers For Applications Filed Prior To October 1, 1989
113.155	Property Transfers For Applications Filed On Or After October 1, 1989
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.157	Sponsors of Aliens
113.160	Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates

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NOTICE OF EMERGENCY AMENDMENT

Section
113.261

Cases in Licensed Intermediate Care Facilities,
Licensed Skilled Nursing Facilities, DMHDD
Facilities and All Other Licensed Medical Facilities

SUBPART E: OTHER PROVISIONS

Section

113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.320 Redetermination of Eligibility
113.500 Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 13, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective

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September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 26, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 1216, effective January 14, 1982; for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 11921, effective August 26, 1982; amended at 6 Ill. Reg. 12293, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective June 27, 1984; amended at 8 Ill. Reg. 11414, effective July 16, 1984; amended (by sections being codified with no substantive

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NOTICE OF EMERGENCY AMENDMENT

change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30,

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1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.155 Property Transfers For Applications Filed On
EMERGENCY Or After October 1, 1989

The provisions for the transfer of property (i.e., assets) listed below apply to residents of long term care facilities who apply for assistance on or after October 1, 1989, regardless of the date of the transfer and to residents whose application is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989. These provisions do not apply to individuals who reside in the community.

a) A transfer of assets occurs when a resident of a long term care facility buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

b) A transfer is allowable if:

1) the transfer occurred more than thirty (30) months from the date of application;

2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

3) homestead property was transferred to:

A) a spouse;

B) the individual's child who is under age 21;

C) the individual's child who is blind or permanently and totally disabled;

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NOTICE OF EMERGENCY AMENDMENT

Section 113.155 Property Transfers For Applications Filed On
EMERGENCY Or After October 1, 1989 (Cont'd)

- D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility; or
- E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered the facility.
- 4) The transfer was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance is an amount up to but not greater than \$62,580 that the resident may transfer, without affecting the eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. The amount of assets a resident may transfer to his or her community spouse is \$62,580 minus any non-exempt assets of the community spouse. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:

- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described at 89 Ill. Adm. 120.61) as determined by a fair hearing; or

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NOTICE OF EMERGENCY AMENDMENT

Section 113.155 Property Transfers For Applications Filed On
EMERGENCY Or After October 1, 1989 (Cont'd)

- B) The amount transferred under a court order to the community spouse.
- 5) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
- 6) the individual intended to transfer the assets for fair market value;
- 7) It is determined that denial of assistance would create an undue hardship;
- 8) it is determined that the transfer was made for a reason other than to qualify for assistance; or
- 9) the transfer was to the community spouse and was the result of a court order.
- c) If the transfer does not fall within the listing of subsection (b) above, the client is ineligible beginning with the month in which such assets were transferred and until whichever occurs first:
- 1) the period of time the uncompensated amount of the asset would meet the monthly cost of long term care (private rate) at the facility; or
 - 2) thirty (30) months from the month of the transfer.

(Source: Emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: DRUG MANUAL
- 2) Code Citation: 89 Ill. Adm. Code 141
- 3) Section Numbers: Emergency Action:

Amendment
141.560
Amendment
141.680
Amendment
141.760
Amendment
141.1125
Amendment
141.1200
Amendment
141.1240
Amendment
141.1520
Amendment
141.1840
Amendment
141.1880
Amendment
141.2040
Amendment
141.2400
Amendment
141.2520
Amendment
141.2640
Amendment
141.2920
Amendment
141.3320
Amendment
141.3560
Amendment
141.3600
Amendment
141.3640
Amendment
141.3720
Amendment
141.3800
Amendment
141.4240
Amendment
141.4360
Amendment
141.4520
Amendment
141.4560
Amendment
141.4680

- 4) Statutory Authority: Sections 5-5.16 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.16 and 12-13) and Section 5.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, Ch. 127, Par. 1005.02)

- 5) Effective Date of Emergency Amendments: January 15, 1991
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: January 15, 1991

- 8) Reason for Emergency: The reasons for the emergency is pursuant to Section 5-5.16 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par. 5-5.16) and 5.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, Ch. 127, Par. 1005.02) this rulemaking adds and deletes certain drugs from the Department's Drug Manual.
- 9) A Complete Description of the Subjects and Issues Involved: With this rulemaking the Department makes several additions and deletions to various therapeutic categories of the Drug Manual.
- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Bldg. II, 3rd Flr.
100 South Grand Avenue East
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendments begin on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 141
DRUG MANUAL

Section	DRUG MANUAL
141.10	AGENCY NOTES
141.100	ANALGESICS/NARCOTIC ANTAGONISTS: ANTIRHEUMATIC
141.200	ANALGESICS/NARCOTIC ANTAGONISTS: GOUT
141.240	ANALGESICS/NARCOTIC ANTAGONISTS: MIGRAINE
141.280	ANALGESICS/NARCOTIC ANTAGONISTS: NARCOTIC ANTAGONISTS
141.320	ANALGESICS/NARCOTIC ANTAGONISTS: NONOPIATE AGONISTS
141.360	ANALGESICS/NARCOTIC ANTAGONISTS: OPIATE AGONISTS
141.400	ANTI-ALCOHOL
141.440	ANTICONVULSANTS
141.480	ANTIDOTES
141.520	ANTIHYPERTENSIVES
141.560	
<u>EMERGENCY</u>	
141.600	ANTIMICROBIAL: AMINOGLYCOSIDES
141.640	ANTIMICROBIAL: ANTIFUNGALS
141.680	ANTIMICROBIAL: ANTITUBERCULARS
<u>EMERGENCY</u>	
141.720	ANTIMICROBIAL: CEPHALOSPORINS
141.760	ANTIMICROBIAL: ERYTHROMYCINS
<u>EMERGENCY</u>	
141.800	ANTIMICROBIAL: MISCELLANEOUS
141.840	ANTIMICROBIAL: NITROFURANTOINS
141.880	ANTIMICROBIAL: PENICILLINS
141.920	ANTIMICROBIAL: SULFONAMIDES
141.960	ANTIMICROBIAL: TETRACYCLINES
141.1000	ANTIMICROBIAL: VACCINES
141.1040	BLOOD: ANTIANEMIA
141.1080	BLOOD: ANTICOAGULANT
141.1120	BLOOD: HEMOSTATIC
141.1125	BLOOD: MISCELLANEOUS
<u>EMERGENCY</u>	
141.1160	CALCIUM
141.1200	CARDIOVASCULAR: ANTIANGINAL
<u>EMERGENCY</u>	
141.1240	CARDIOVASCULAR: ANTIARRHYTHMIC
<u>EMERGENCY</u>	
141.1280	CARDIOVASCULAR: ANTIHYPERLIPIDEMICS
141.1320	CARDIOVASCULAR: BETA BLOCKERS
141.1360	CARDIOVASCULAR: DIGITALIS GLYCOSIDES
141.1400	CARDIOVASCULAR: HYPOTENSION/SHOCK

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Section	CARDIOVASCULAR: VASODILATOR (Repealed)
141.1440	CONTRACEPTIVE: NONORAL
141.1480	DIAPER RASH PRODUCTS
141.1500	DIURETICS
141.1520	
<u>EMERGENCY</u>	
141.1560	DOPAMINE RECEPTOR AGONISTS
141.1600	ENZYMES
141.1640	EYE/EAR/NOSE/THROAT: ANTI-INFLAMMATORY
141.1680	EYE/EAR/NOSE/THROAT: ANTIVIRALS
141.1720	EYE/EAR/NOSE/THROAT: ANTIBIOTIC/ANTI-INFLAMMATORY
141.1760	EYE/EAR/NOSE/THROAT: LOCAL ANESTHETICS
141.1800	EYE/EAR/NOSE/THROAT: LUBRICANTS
141.1840	
<u>EMERGENCY</u>	
141.1880	EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA
<u>EMERGENCY</u>	
141.1920	EYE/EAR/NOSE/THROAT: MISCELLANEOUS
141.1960	EYE/EAR/NOSE/THROAT: MISCELLANEOUS ANTI-INFECTIVES
141.2000	EYE/EAR/NOSE/THROAT: MYDRIATICS
141.2040	EYE/EAR/NOSE/THROAT: SULFONAMIDES
<u>EMERGENCY</u>	
141.2080	EYE/EAR/NOSE/THROAT: SULFONAMIDE/ANTI-INFLAMMATORY
141.2120	EYE/EAR/NOSE/THROAT: TOPICAL DECONGESTANTS
141.2160	GASTROINTESTINAL: ANTACID/ADSORBENTS
141.2200	GASTROINTESTINAL: ANTIDIARRHEA
141.2240	GASTROINTESTINAL: ANTISPASMODICS
141.2280	GASTROINTESTINAL: DIGESTANTS
141.2320	GASTROINTESTINAL: EMETICS/ANTIEMETICS
141.2360	GASTROINTESTINAL: LAXATIVES
141.2400	GASTROINTESTINAL: MISCELLANEOUS
<u>EMERGENCY</u>	
141.2440	GLUCOSE ELEVATORS
141.2480	HOMEOSTATIC/NUTRITIONAL: ACIDIFIERS
141.2520	HOMEOSTATIC/NUTRITIONAL: ALKALINIZERS
<u>EMERGENCY</u>	
141.2560	HOMEOSTATIC/NUTRITIONAL: AMMONIA DETOXICANTS
141.2600	HOMEOSTATIC/NUTRITIONAL: INSULIN
141.2640	HOMEOSTATIC/NUTRITIONAL: IV FLUIDS
<u>EMERGENCY</u>	
141.2680	HOMEOSTATIC/NUTRITIONAL: ORAL HYPOGLYCEMICS
141.2720	HOMEOSTATIC/NUTRITIONAL: VITAMINS
141.2760	HORMONES/AGENTS AFFECTING MECHANISMS: ADRENAL
	CORTICAL STEROIDS
141.2800	HORMONES/AGENTS AFFECTING MECHANISMS: ANABOLIC
	HORMONES
141.2840	HORMONES/AGENTS AFFECTING MECHANISMS: ANDROGENS
141.2880	HORMONES/AGENTS AFFECTING MECHANISMS: ANTITHYROID

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Section	
141.2920	HORMONES/AGENTS AFFECTING
EMERGENCY	MECHANISMS: ESTROGENS/PROGESTINS
141.2960	HORMONES/AGENTS AFFECTING MECHANISMS: ORAL
	CONTRACEPTIVES
141.3000	HORMONES/AGENTS AFFECTING MECHANISMS: OXYTOCICS
141.3040	HORMONES/AGENTS AFFECTING MECHANISMS: PARATHYROID
141.3080	HORMONES/AGENTS AFFECTING MECHANISMS: PITUITARY
141.3120	HORMONES/AGENTS AFFECTING MECHANISMS: THYROID
141.3160	HYDROCHOLERETICS
141.3200	IMMUNOSUPPRESSIVES
141.3240	IRRIGATION SOLUTIONS
141.3280	MEDICAL SUPPLIES
141.3320	MISCELLANEOUS
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141.3360	NEUROMUSCULAR DISORDERS: MYASTHENIA GRAVIS
141.3400	ONCOLYTIC/ANTINEOPLASTIC: ALKYLATING
141.3440	ONCOLYTIC/ANTINEOPLASTIC: ANTIBIOTICS
141.3480	ONCOLYTIC/ANTINEOPLASTIC: ANTIMETABOLITES
141.3520	ONCOLYTIC/ANTINEOPLASTIC: HORMONES
141.3560	ONCOLYTIC/ANTINEOPLASTIC: MISCELLANEOUS
EMERGENCY	
141.3600	OSTOMY SUPPLIES
EMERGENCY	
141.3640	PARASITICIDAL: ANTHELMINTICS
EMERGENCY	
141.3680	PARASITICIDAL: ANTIPROTOZOALS
141.3720	POTASSIUM
EMERGENCY	
141.3760	PSYCHOTHERAPEUTIC: ANTIANXIETY
141.3800	PSYCHOTHERAPEUTIC: ANTIDEPRESSANTS
EMERGENCY	
141.3840	PSYCHOTHERAPEUTIC: ANTIMANIC
141.3880	PSYCHOTHERAPEUTIC: ANTIPARKINSON
141.3920	PSYCHOTHERAPEUTIC: ANTIPSYCHOTIC
141.3960	PSYCHOTHERAPEUTIC: MISCELLANEOUS
141.4000	PSYCHOTHERAPEUTIC: SEDATIVE/HYPNOTIC
141.4040	RESPIRATORY/ALLERGIC: ANTIASTHMATIC
141.4080	RESPIRATORY/ALLERGIC: ANTIHISTAMINE
141.4120	RESPIRATORY STIMULANTS
141.4160	SKELETAL MUSCLE RELAXANTS
141.4200	SKIN/MUCOUS MEMBRANE: ANTIBIOTICS
141.4230	SKIN/MUCOUS MEMBRANE: ANTIFUNGAL/ANTI-INFLAMMATORY
141.4240	SKIN/MUCOUS MEMBRANE: ANTI-INFLAMMATORIES
EMERGENCY	
141.4280	SKIN/MUCOUS MEMBRANE: ANTIPRURITICS/ANESTHETICS
141.4320	SKIN/MUCOUS MEMBRANE: ASTRINGENTS
141.4360	SKIN/MUCOUS MEMBRANE: DERMAL ULCERS
EMERGENCY	

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Section	
141.4440	SKIN/MUCOUS MEMBRANE: FUNGICIDES
141.4480	SKIN/MUCOUS MEMBRANE: KERATOCYTIC
141.4520	SKIN/MUCOUS MEMBRANE: LOCAL ANTI-INFECTIVES
EMERGENCY	
141.4560	SKIN/MUCOUS MEMBRANE: MISCELLANEOUS
EMERGENCY	
141.4600	SKIN/MUCOUS MEMBRANE: SCABICIDES/PEDICULOCIDES
141.4640	TESTING SUPPLIES
141.4680	UNCLASSIFIED
EMERGENCY	
141.4720	URINARY ANTISPASMODICS
141.4760	VAGINAL: ANTI-INFECTIVES
141.4800	VAGINAL: MISCELLANEOUS
AUTHORITY:	Implementing and authorized by Sections 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, pars. 5-5 and 12-13)
SOURCE:	Emergency amendment at 5 Ill. Reg. 13555, effective December 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9991, effective August 1, 1982; emergency amendment at 6 Ill. Reg. 10042, effective August 1, 1982, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 1178, effective February 1, 1983, for a maximum of 150 days; amended and codified as 89 Ill. Adm. Code 140.72 at 7 Ill. Reg. 17358, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13779, effective July 24, 1984; recodified from 89 Ill. Adm. Code 140.72 and 89 Ill. Adm. Code 140.73 at 8 Ill. Reg. 16354; amended at 9 Ill. Reg. 3335, effective March 1, 1985; Amended at 9 Ill. Reg. 19018, effective December 1, 1985; emergency amendment at 10 Ill. Reg. 8153, effective May 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 17681, effective September 28, 1986; emergency amendment at 10 Ill. Reg. 20828, effective December 1, 1986, for a maximum of 150 days; recodified from 89 Ill. Adm. Code 140.71 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 5235, effective March 12, 1987; emergency amendment at 11 Ill. Reg. 5330, effective March 13, 1987 for a maximum of 150 days; amended at 11 Ill. Reg. 11113, effective June 10, 1987; emergency amendment at 11 Ill. Reg. 11361, effective June 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 16726, effective September 30, 1987; emergency amendment of 11 Ill. Reg. 20236, effective December 1, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7358, effective April 12, 1988; emergency amendment at 12 Ill. Reg. 10197, effective June 1,

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1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14219, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 15667, effective September 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 20851, effective December 2, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 516, effective December 28, 1988; amended at 13 Ill. Reg. 3850, effective March 17, 1989; emergency amendment at 13 Ill. Reg. 8036, effective May 15, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 10700, effective June 15, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15672, effective September 22, 1989; amended at 13 Ill. Reg. 16982, effective October 20, 1989; emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 3595, effective February 27, 1990; amended at 14 Ill. Reg. 6339, effective April 16, 1990; amended at 14 Ill. Reg. 9464, effective May 31, 1990; emergency amendment at 14 Ill. Reg. 12278, effective July 15, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 12910, effective August 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 18015, effective October 30, 1990; amended at 14 Ill. Reg. 19325, effective November 27, 1990; emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SECTION 141.560 ANTIHYPERTENSIVES

Item Number	Drug Name and Strength
** 00030450	CAPOTEN TABLET 12.5MG
** 00030452	CAPOTEN TABLET 25MG
** 00030562	CAPOTEN TABLET 50MG
** 00030485	CAPOTEN TABLET 100MG
** 00030338	CAPOZIDE TABLET 25/15
** 00030349	CAPOZIDE TABLET 25/25
** 00030384	CAPOZIDE TABLET 50/15
** 00030390	CAPOZIDE TABLET 50/25
** 05970031	CATAPRES-TTS-1 PATCHES
** 05970032	CATAPRES-TTS-2 PATCHES
** 05970033	CATAPRES-TTS-3 PATCHES
** 50000941	CLONIDINE HCL TABLET 0.1MG
** 50000943	CLONIDINE HCL TABLET 0.2MG
** 50000945	CLONIDINE HCL TABLET 0.3MG
** 00030283	CORZIDE TABLET 40MG; 5MG
** 00030284	CORZIDE TABLET 80MG; 5MG

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ANTIHYPERTENSIVES (Cont'd)

SECTION 141.560
EMERGENCY

Item Number	Drug Name and Strength
** 00050690	DEMSEUR CAPSULE 250MG
** 00830047	ESTIMIL TABLET
** 50001614	GUANETHIDINE MONOSULFATE TABLET 10MG
** 50001616	GUANETHIDINE MONOSULFATE TABLET 25MG
** 50005686	HYDRALAZINE HCL INJECTION 20MG/ML AMP
** 50003074	HYDRALAZINE HCL TABLET 10MG
** 50003076	HYDRALAZINE HCL TABLET 25MG
** 50003078	HYDRALAZINE HCL TABLET 50MG
** 50003080	HYDRALAZINE HCL TABLET 100MG
** 50003066	HYDRALAZINE HCL 25MG; HYDROCHLOROTHIAZIDE 15MG TABLET
** 50003068	HYDRALAZINE HCL 25MG; HYDROCHLOROTHIAZIDE 25MG CAPSULE
** 50003070	HYDRALAZINE HCL 50MG; HYDROCHLOROTHIAZIDE 50MG CAPSULE
** 50003072	HYDRALAZINE HCL 100MG; HYDROCHLOROTHIAZIDE 50MG CAPSULE
** 50002981	HYDROCHLOROTHIAZIDE 15MG; METHYLDOPA 250MG TABLET
** 50002341	HYDROCHLOROTHIAZIDE 25MG; LABETALOL HCL 100MG TABLET
** 50002343	HYDROCHLOROTHIAZIDE 25MG; LABETALOL HCL 200MG TABLET
** 50002345	HYDROCHLOROTHIAZIDE 25MG; LABETALOL HCL 300MG TABLET
** 50002983	HYDROCHLOROTHIAZIDE 25MG; METHYLDOPA 250MG TABLET
** 50002403	HYDROCHLOROTHIAZIDE 25MG; METOPROLOL TARTRATE 50MG TABLET
** 50002405	HYDROCHLOROTHIAZIDE 25MG; METOPROLOL TARTRATE 100MG TABLET
** 50005520	HYDROCHLOROTHIAZIDE 25MG; PROPRANOLOL HCL 40MG TABLET
** 50005522	HYDROCHLOROTHIAZIDE 25MG; PROPRANOLOL HCL 80MG TABLET
** 50003090	HYDROCHLOROTHIAZIDE 25MG; RESERPINE 0.1MG TABLET
** 50003094	HYDROCHLOROTHIAZIDE 25MG; RESERPINE 0.125MG TABLET
** 50002985	HYDROCHLOROTHIAZIDE 30MG; METHYLDOPA 500MG TABLET
** 50002987	HYDROCHLOROTHIAZIDE 50MG; METHYLDOPA 500MG TABLET

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SECTION 141.560
EMERGENCY

ANTIHYPERTENSIVES (Cont'd)

Item Number	Drug Name and Strength
** 50002407	HYDROCHLOROTHIAZIDE 50MG;
** 50004021	METOPROLOL TARTRATE 100MG TABLET
** 50004023	HYDROCHLOROTHIAZIDE 50MG; PROPRANOLOL HCL 80MG LA CAPSULE
** 50004025	HYDROCHLOROTHIAZIDE 50MG; PROPRANOLOL HCL 120MG LA CAPSULE
** 50003092	HYDROCHLOROTHIAZIDE 50MG; PROPRANOLOL HCL 160MG LA CAPSULE
** 50003096	HYDROCHLOROTHIAZIDE 50MG; RESERPINE 0.1MG TABLET
** 00180787	HYLOREL TABLET 10MG
** 00180788	HYLOREL TABLET 25MG
** 00743322	HYTRIN TABLET 1MG
** 00743323	HYTRIN TABLET 2MG
** 00743324	HYTRIN TABLET 5MG
** 00743325	HYTRIN TABLET 10MG
** 00600052	INVERSINE TABLET 2.5MG
** 50001825	LISINOPRIL TABLET 5MG
** 50001827	LISINOPRIL TABLET 10MG
** 50001829	LISINOPRIL TABLET 20MG
** 50001831	LISINOPRIL TABLET 40MG
** 00750082	LOZOL TABLET 2.5MG
** 50000712	METHYLDOPA ORAL SUSPENSION 250MG/5ML
** 50000714	METHYLDOPA TABLET 125MG
** 50000716	METHYLDOPA TABLET 250MG
** 50000718	METHYLDOPA TABLET 500MG
** 50000710	METHYLDOPATE HCL INJECTION 250MG/5ML
** 00694300	MINIZIDE CAPSULE 1.0MG/0.5MG
** 00694320	MINIZIDE CAPSULE 2.0MG/0.5MG
** 00694360	MINIZIDE CAPSULE 5.0MG/0.5MG
** 50002096	MINOXIDIL TABLET 2.5MG
** 50002098	MINOXIDIL TABLET 10MG
** 50002751	PRazosin HCL CAPSULE 1MG
** 50002753	PRazosin HCL CAPSULE 2MG
** 50002755	PRazosin HCL CAPSULE 5MG
** 50005223	RESERPINE TABLET 0.1MG
** 50005231	RESERPINE TABLET 0.25MG
** 00318901	TENEX TABLET 1MG
** 00318903	TENEX TABLET 2MG
** 00380115	TENORETIC 50 TABLET
** 00380117	TENORETIC 100 TABLET
** 00060067	TIMOLIDE TABLET 10/25

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SECTION 141.560
EMERGENCY

ANTIHYPERTENSIVES (Cont'd)

Item Number	Drug Name and Strength
** 00060720	VASERETIC TABLET 10/25
** 00063508	VASOTEC INJECTION 1.25MG/ML 2ML VIAL
** 00060014	VASOTEC TABLET 2.5MG
** 00060712	VASOTEC TABLET 5MG
** 00060713	VASOTEC TABLET 10MG
** 00060714	VASOTEC TABLET 20MG
** 00080073	WYTENSIN TABLET 4MG
** 00080074	WYTENSIN TABLET 8MG
** 00080092	WYTENSIN TABLET 16MG

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.680
EMERGENCY

ANTIMICROBIAL: ANTITUBERCULARS

Item Number	Drug Name and Strength
** 50001190	AMINOSALICYLATE SODIUM POWDER 480GM
** 50001192	AMINOSALICYLATE SODIUM TABLET 1GM
** 50001191	AMINOSALICYLATE SODIUM TABLET 500MG
** 50000502	AMINOSALICYLIC ACID EC TAB 500MG
** 60008008	ANTITUBERCULAR-INJECTION-NOT OTHERWISE LISTED-IF LAW REQUIRES RX
** 60008007	ANTITUBERCULAR-ORAL-NOT OTHERWISE LISTED-IF LAW REQUIRES RX
** 00021485	CAPASTAT INJECTION 1GM/5ML AMP
** 50001193	ISONIAZID INJECTION 100MG/ML 10ML VIAL
** 50003271	ISONIAZID SYRUP 50MG/5ML
** 50003273	ISONIAZID TABLET 50MG
** 50003274	ISONIAZID TABLET 100MG
** 50003275	ISONIAZID TABLET 300MG
** 50001194	ISONIAZID 150MG; RIFAMPIN 300MG CAPSULE
** 00055015	MYAMBUTOL TABLET 100MG
** 00055084	MYAMBUTOL TABLET 400MG
** 50001197	PYRAZINAMIDE TABLET 500MG
** 50005225	RIFAMPIN CAP/TAB 300MG
** 50001198	RIFAMPIN CAPSULE 150MG
** 00020604	SEROMYCIN CAPSULE 250MG
** 00824130	TRECRATOR-SC TABLET 250MG

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

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SECTION 141.760 ANTIMICROBIAL: ERYTHROMYCINS
EMERGENCY

Item Number	Drug Name and Strength
** 50001201	ERYTHROMYCIN BASE 125MG ENTERIC COATED CAPSULE
** 50001119	ERYTHROMYCIN BASE 250MG ENTERIC COATED CAPSULE
** 50001121	ERYTHROMYCIN BASE 250MG ENTERIC COATED TABLET
** 50001124	ERYTHROMYCIN BASE 250MG FILM COATED TABLET
** 50001122	ERYTHROMYCIN BASE 333MG ENTERIC COATED TABLET
** 50000881	ERYTHROMYCIN BASE 333MG PARTICLE TABLET
** 50001123	ERYTHROMYCIN BASE 500MG ENTERIC COATED TABLET
** 50001125	ERYTHROMYCIN BASE 500MG FILM COATED TABLET
** 50002804	ERYTHROMYCIN BASE 500MG PARTICLE TABLET
** 50002190	ERYTHROMYCIN ESTOLATE CAPSULE 125MG
** 50002191	ERYTHROMYCIN ESTOLATE CAPSULE 250MG
** 50002595	ERYTHROMYCIN ESTOLATE CHEW TAB 125MG
** 50002597	ERYTHROMYCIN ESTOLATE CHEW TAB 250MG
** 50002610	ERYTHROMYCIN ESTOLATE DROP 100MG/ML 10ML
** 50002615	ERYTHROMYCIN ESTOLATE ORAL SUSPENSION LIQUID 125MG/5ML
** 50002617	ERYTHROMYCIN ESTOLATE ORAL SUSPENSION LIQUID 250MG/5ML
** 50001141	ERYTHROMYCIN ESTOLATE ORAL SUSPENSION POWDER 125MG/5ML 150ML
** 50001140	ERYTHROMYCIN ESTOLATE ORAL SUSPENSION POWDER 125MG/5ML 60ML
** 50002192	ERYTHROMYCIN ESTOLATE TABLET 500MG
** 50002596	ERYTHROMYCIN ETHYLUSC CHEW TAB 200MG
** 50003405	ERYTHROMYCIN ETHYLUSC IM INJ 100MG/2ML AMP
** 50003406	ERYTHROMYCIN ETHYLUSC IM INJ 100MG/2ML S
** 50003407	ERYTHROMYCIN ETHYLUSC IM INJ 500MG/ML 10ML
** 50002616	ERYTHROMYCIN ETHYLUSC SUSP/LIQ 200MG/5ML
** 50002620	ERYTHROMYCIN ETHYLUSC SUSP/LIQ 400MG/5ML
** 50002590	ERYTHROMYCIN ETHYLUSC TAB 400MG
** 50002611	ERYTHROMYCIN ETHYLUSC 100MG/2.5ML 30ML
** 50002613	ERYTHROMYCIN ETHYLUSC 100MG/2.5ML 50ML
** 50003408	ERYTHROMYCIN GLUCEPTATE IV INJ 250MG AMP
** 50003409	ERYTHROMYCIN GLUCEPTATE IV INJ 500MG AMP
** 50003410	ERYTHROMYCIN GLUCEPTATE IV INJ 1GM AMP
** 50003411	ERYTHROMYCIN LACTOBIONATE IV INJ 500MG VIAL
** 50003412	ERYTHROMYCIN LACTOBIONATE IV INJ 1GM VIAL
** 50002594	ERYTHROMYCIN STEARATE COATED TAB 125MG
** 50002607	ERYTHROMYCIN STEARATE COATED TAB 250MG
** 50002608	ERYTHROMYCIN STEARATE COATED TAB 500MG
** 60008004	ERYTHROMYCIN-INJECTION-NOT OTHERWISE LISTED- IF LAW REQUIRES RX

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SECTION 141.760 ANTIMICROBIAL: ERYTHROMYCINS (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
** 60008003	ERYTHROMYCIN- ORAL- NOT OTHERWISE LISTED- IF LAW REQUIRES RX
(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)	
SECTION 141.1125 BLOOD: MISCELLANEOUS EMERGENCY	
Item Number	Drug Name and Strength
** 05553126	EPOGEN INJECTION 2,000U/ML 1ML VIAL (MUST BILL MEDICARE FIRST, IF ELIG.)
** 05553267	EPOGEN INJECTION 3,000U/ML 1ML VIAL (MUST BILL MEDICARE FIRST, IF ELIG.)
** 05553148	EPOGEN INJECTION 4,000U/ML 1ML VIAL (MUST BILL MEDICARE FIRST, IF ELIG.)
** 05553144	EPOGEN INJECTION 10,000U/ML 1ML VIAL (MUST BILL MEDICARE FIRST, IF ELIG.)
** 00390078	TRENTAL CONTROLLED RELEASE TABLET 400MG (Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.1200 CARDIOVASCULAR: ANTIANGINAL
EMERGENCY

Item Number	Drug Name and Strength
** 00332437	CARDENE CAPSULE 20MG
** 00332438	CARDENE CAPSULE 30MG
** 00810166	CARDILATE TABLET ORAL/SUBLING 5MG
** 00810168	CARDILATE TABLET ORAL/SUBLING 10MG
** 00881777	CARDIZEM SR CAPSULE 60MG
** 00881778	CARDIZEM SR CAPSULE 90MG
** 00881779	CARDIZEM SR CAPSULE 120MG
** 00881771	CARDIZEM TABLET 30MG
** 00881772	CARDIZEM TABLET 60MG
** 00881791	CARDIZEM TABLET 90MG
** 00881792	CARDIZEM TABLET 120MG

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SECTION 141.1200 CARDIOVASCULAR: ANTIANGINAL (Cont'd)
EMERGENCY

SECTION 141.1200 CARDIOVASCULAR: ANTIANGINAL (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
** 50003265	ISOSORBIDE DINITRATE TAB 2.5MG SUBLINGUAL
** 50003267	ISOSORBIDE DINITRATE TAB 5MG ORAL
** 50003281	ISOSORBIDE DINITRATE TAB 5MG SUBLINGUAL
** 50003280	ISOSORBIDE DINITRATE TAB 10MG ORAL
** 50003278	ISOSORBIDE DINITRATE TAB 10MG SUBLINGUAL
** 50003285	ISOSORBIDE DINITRATE TAB 20MG ORAL
** 50003284	ISOSORBIDE DINITRATE TAB/CAP 30MG ORAL
** 50003270	ISOSORBIDE DINITRATE TAB/CAP 40MG ORAL
** 50003282	ISOSORBIDE DINITRATE TAB/CAP 40MG SA
** 50001865	NIFEDIPINE CAPSULE 10MG
** 50002527	NIFEDIPINE CAPSULE 20MG
** 50002200	NIFEDIPINE TABLET SUSTAINED RELEASE 30MG
** 50002202	NIFEDIPINE TABLET SUSTAINED RELEASE 60MG
** 50002204	NIFEDIPINE TABLET SUSTAINED RELEASE 90MG
** 00262855	NIMOTOP CAPSULE 30MG
** 50005521	NITROGLYCERIN AEROSOL SPRAY 0.4MG/DOSE 13.8GM UNIT 200 DOSES/UNIT
** 50000746	NITROGLYCERIN OINTMENT 20GM
** 50000748	NITROGLYCERIN OINTMENT 30GM
** 50000750	NITROGLYCERIN OINTMENT 60GM
** 50002040	NITROGLYCERIN PATCH 3.3CM2 2.5MG/24HR
** 50002035	NITROGLYCERIN PATCH 5CM2 2.5MG/24HR
** 50002042	NITROGLYCERIN PATCH 6.7CM2 5MG/24HR
** 50002133	NITROGLYCERIN PATCH 8CM2 5MG/24HR
** 50002034	NITROGLYCERIN PATCH 10CM2 5MG/24HR
** 50002033	NITROGLYCERIN PATCH 10CM2 5MG/24HR
** 50002048	NITROGLYCERIN PATCH 13.3CM2 10MG/24HR
** 50002037	NITROGLYCERIN PATCH 15CM2 7.5MG/24HR
** 50002138	NITROGLYCERIN PATCH 16CM2 5MG/24HR
** 50002134	NITROGLYCERIN PATCH 16CM2 10MG/24HR
** 50002036	NITROGLYCERIN PATCH 20CM2 10MG/24HR
** 50002049	NITROGLYCERIN PATCH 20.0CM2 15MG/24HR
** 50005135	NITROGLYCERIN PATCH 30CM2 15MG/24HR
** 50002140	NITROGLYCERIN PATCH 32CM2 10MG/24HR
** 50000770	NITROGLYCERIN SR TAB/CAP 1.3MG
** 50000772	NITROGLYCERIN SR TAB/CAP 2.5MG 60'S
** 50000774	NITROGLYCERIN SR TAB/CAP 2.5MG 100'S
** 50000776	NITROGLYCERIN SR TAB/CAP 2.6MG
** 50000778	NITROGLYCERIN SR TAB/CAP 6.5MG 60'S
** 50000780	NITROGLYCERIN SR TAB/CAP 6.5MG 100'S
** 50000782	NITROGLYCERIN SR TAB/CAP 9.0MG 60'S
** 50000784	NITROGLYCERIN SR TAB/CAP 9.0MG 100'S
** 50000732	NITROGLYCERIN SUBLINGUAL TAB 0.15MG 25'S

Item Number	Drug Name and Strength
** 50000730	NITROGLYCERIN SUBLINGUAL TAB 0.15MG 100'S
** 50000736	NITROGLYCERIN SUBLINGUAL TAB 0.3MG 25'S
** 50000734	NITROGLYCERIN SUBLINGUAL TAB 0.3MG 100'S
** 50000740	NITROGLYCERIN SUBLINGUAL TAB 0.4MG 25'S
** 50000738	NITROGLYCERIN SUBLINGUAL TAB 0.4MG 100'S
** 50000742	NITROGLYCERIN SUBLINGUAL TAB 0.6MG 25'S
** 50000742	NITROGLYCERIN SUBLINGUAL TAB 0.6MG 100'S
** 50003874	NITROGLYCERIN TRANSMUCOSAL CONTROLLED RELEASE TABLET 1MG
** 50003876	NITROGLYCERIN TRANSMUCOSAL CONTROLLED RELEASE TABLET 2MG
** 50003878	NITROGLYCERIN TRANSMUCOSAL CONTROLLED RELEASE TABLET 3MG
** 50004221	VERAPAMIL HCL SUSTAINED RELEASE PELLETTED CAPSULE 120MG
** 50004223	VERAPAMIL HCL SUSTAINED RELEASE PELLETTED CAPSULE 240MG
** 50004218	VERAPAMIL HCL TABLET 40MG
** 50004220	VERAPAMIL HCL TABLET 80MG
** 50004222	VERAPAMIL HCL TABLET 120MG
** 50004226	VERAPAMIL HCL TABLET SUST RELEASE 180MG
** 50004224	VERAPAMIL HCL TABLET SUST RELEASE 240MG

(Source: Emergency amendment at 15 Ill. Reg. 1121,
effective January 15, 1991, for a maximum of 150 days)

SECTION 141.1240 CARDIOVASCULAR: ANTIARRHYTHMIC
EMERGENCY

Item Number	Drug Name and Strength
** 00345470	CARDIOQUIN TABLET 275MG
** 50003901	DISOPYRAMIDE PHOSPHATE CAPSULE 100MG
** 50003903	DISOPYRAMIDE PHOSPHATE CAPSULE 150MG
** 50003905	DISOPYRAMIDE PHOSPHATE CONTROLLED RELEASE CAPSULE 100MG
** 50003907	DISOPYRAMIDE PHOSPHATE CONTROLLED RELEASE CAPSULE 150MG
** 00560061	ETHMOZINE TABLET 200MG
** 00560062	ETHMOZINE TABLET 250MG
** 00560064	ETHMOZINE TABLET 300MG
** 05970066	MEXITIL CAPSULE 150MG
** 05970067	MEXITIL CAPSULE 200MG

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SECTION 141.1240 CARDIOVASCULAR: ANTIARRHYTHMIC (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
** 05970068	MEXITIL CAPSULE 250MG
G 50004048	PROCAINAMIDE HCL INJ 100MG/ML 10ML VIAL
G 50004050	PROCAINAMIDE HCL INJ 500MG/ML 2ML VIAL
** 50004043	PROCAINAMIDE HCL SR TABLET 250MG
** 50004047	PROCAINAMIDE HCL SR TABLET 500MG
** 50004049	PROCAINAMIDE HCL SR TABLET 750MG
** 50004051	PROCAINAMIDE HCL SR TABLET 1000MG
** 50004042	PROCAINAMIDE HCL TAB/CAP 250MG
** 50004044	PROCAINAMIDE HCL TAB/CAP 375MG
** 50004046	PROCAINAMIDE HCL TAB/CAP 500MG
** 50004066	QUINIDINE GLUCONATE TAB/CAP 324/330MG TD
** 50000985	QUINIDINE SULFATE TABLET CR 300MG
** 50005141	QUINIDINE SULFATE TABLET 100MG
** 50005142	QUINIDINE SULFATE TABLET 200MG
** 50005143	QUINIDINE SULFATE TABLET 300MG
** 00899314	EMBEOG-TABLET-150MG
** 00060707	TONOCARD TABLET 400MG
** 00060709	TONOCARD TABLET 600MG

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.1520 DIURETICS
EMERGENCY

Item Number	Drug Name and Strength
** 50002400	ACETAZOLAMIDE SUSTAINED RELEASE CAPSULE 500MG
** 50002404	ACETAZOLAMIDE TABLET 125MG
** 50002406	ACETAZOLAMIDE TABLET 250MG
** 50002039	AMILORIDE HCL 5MG; HYDROCHLOROTHIAZIDE 50MG TABLET
** 50005510	CHLOROTHIAZIDE SUSPENSION 250MG/5ML
** 50005250	CHLOROTHIAZIDE TABLET 250MG
** 50005500	CHLOROTHIAZIDE TABLET 500MG
** 00060049	DARANIDE TABLET 50MG
** 04840806	DYRENUM CAPSULE 50MG
** 04840807	DYRENUM CAPSULE 100MG
** 00060065	EDECIN TABLET 25MG
** 00060090	EDECIN TABLET 50MG
** 50000460	FUROSEMIDE INJECTION 10MG/ML 2ML AMP
** 50000464	FUROSEMIDE INJECTION 10MG/ML 4ML AMP
** 50000468	FUROSEMIDE INJECTION 10MG/ML 10ML AMP

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SECTION 141.1520 DIURETICS (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
** 50000470	FUROSEMIDE ORAL SOLUTION 10MG/ML 60ML
** 50000472	FUROSEMIDE ORAL SOLUTION 10MG/ML 120ML
** 50000474	FUROSEMIDE TABLET 20MG
** 50000476	FUROSEMIDE TABLET 40MG
** 50000478	FUROSEMIDE TABLET 80MG
** 50003158	HYDROCHLOROTHIAZIDE TABLET 25MG
** 50003166	HYDROCHLOROTHIAZIDE TABLET 50MG
** 50003168	HYDROCHLOROTHIAZIDE TABLET 100MG
** 50007363	HYDROCHLOROTHIAZIDE 25MG; SPIRONOLATONE 25MG TABLET
** 50007167	HYDROCHLOROTHIAZIDE 25MG; TRIAMTERENE 37.5MG TABLET
** 50000530	HYDROCHLOROTHIAZIDE 25MG; TRIAMTERENE 50MG CAPSULE
** 50007169	HYDROCHLOROTHIAZIDE 50MG; TRIAMTERENE 75MG TABLET
** 50003588	METHYLCLOTHIAZIDE TABLET 2.5MG
** 50003589	METHYLCLOTHIAZIDE TABLET 5.0MG
** 50005596	METOLAZONE TABLET 0.5MG
** 50005693	METOLAZONE TABLET 2.5MG
** 50005694	METOLAZONE TABLET 5MG
** 50005695	METOLAZONE TABLET 10MG
** 00054565	NEPTAZANE TABLET 25MG
** 00054570	NEPTAZANE TABLET 50MG
** 50007362	SPIRONOLACTONE TABLET 25MG
** 50007364	SPIRONOLACTONE TABLET 100MG
** 50004073	TRICHLORMETHIAZIDE TABLET 2MG
** 50004081	TRICHLORMETHIAZIDE TABLET 4MG

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.1840 EYE/EAR/NOSE/THROAT: LUBRICANTS
EMERGENCY

Item Number	Drug Name and Strength
02471805	ADSORBOTEAR 15CC
00230309	LACRI-LUBE SOP OPHTHALMIC OINT 3.5GM TUBE
00231309	LACRI-LUBE SOP OPHTHALMIC OINT 7GM TUBE
** 00063380	LACRISERT OPHTHALMIC INSERT

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

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SECTION 141.1880 EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA
EMERGENCY

Item Number	Drug Name and Strength
** 01190469	BETAGAN OPHTHALMIC SOLUTION 0.25% 5ML
** 01191469	BETAGAN OPHTHALMIC SOLUTION 0.25% 10ML
** 00230252	BETAGAN OPHTHALMIC SOLUTION 0.5% 5ML
** 00231252	BETAGAN OPHTHALMIC SOLUTION 0.5% 10ML
** 00232252	BETAGAN OPHTHALMIC SOLUTION 0.5% 15ML
** 00652246	BETOPTIC S OPHTHALMIC SOLN 0.25% 2.5ML
** 00650246	BETOPTIC S OPHTHALMIC SOLN 0.25% 5.0ML
** 00651246	BETOPTIC S OPHTHALMIC SOLN 0.25% 15.0ML
** 00651245	BETOPTIC OPHTHALMIC SOLUTION 0.5% 2.5ML
** 00650245	BETOPTIC OPHTHALMIC SOLUTION 0.5% 5ML
** 00650255	BETOPTIC OPHTHALMIC SOLUTION 0.5% 10ML
** 00652245	BETOPTIC OPHTHALMIC SOLUTION 0.5% 15ML
50000110	CARBACHOL OPHTHALMIC SOLUTION 0.75% 15ML
50000111	CARBACHOL OPHTHALMIC SOLUTION 1.5% 15ML
50000112	CARBACHOL OPHTHALMIC SOLUTION 2.25% 15ML
50000113	CARBACHOL OPHTHALMIC SOLUTION 3.0% 15ML
50000270	ECHOTHIOPHATE IODIDE 1.5MG (0.03%) 5ML
50000271	ECHOTHIOPHATE IODIDE 3.0MG (0.06%) 5ML
50000272	ECHOTHIOPHATE IODIDE 6.25MG (0.125%) 5ML
50000273	ECHOTHIOPHATE IODIDE 12.5MG (0.25%) 5ML
50000290	EPINEPHRINE (AS BITARTRATE) OPHTHALMIC SOLUTION 0.5% (AS 1.0% BITARTRATE) 15ML
50000292	EPINEPHRINE (AS BITARTRATE) OPHTHALMIC SOLUTION 1.0% (AS 2.0% BITARTRATE) 7.5ML
50000294	EPINEPHRINE (AS BITARTRATE) OPHTHALMIC SOLUTION 1.0% (AS 2.0% BITARTRATE) 15ML
50000300	EPINEPHRINE (AS BORATE) OPHTHALMIC SOLUTION 0.25% 7.5ML
50000302	EPINEPHRINE (AS BORATE) OPHTHALMIC SOLUTION 0.5% 7.5ML
50000304	EPINEPHRINE (AS BORATE) OPHTHALMIC SOLUTION 1.0% 7.5ML
50000310	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 0.25% 15ML
50000314	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 0.5% 10ML
50000316	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 0.5% 15ML
50000320	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 1.0% 10ML
50000322	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 1.0% 15ML
50000326	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 2.0% 10ML

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SECTION 141.1880 EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA
EMERGENCY (Cont'd)

Item Number	Drug Name and Strength
50000328	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 2.0% 15ML
** 00067742	FLOROPRYL OPHTHALMIC OINTMENT 0.025% 3.5GM TUBE
** 00063255	HUMORSOL OPHTHALMIC SOLUTION 0.125% 5ML
** 00063267	HUMORSOL OPHTHALMIC SOLUTION 0.25% 5ML
** 00461013	OPHTHALGAN SOLUTION 7.5ML
** 03032944	OPTIPRANOLOL OPHTHALMIC SOLN 0.3% 5ML
** 03032944	OPTIPRANOLOL OPHTHALMIC SOLN 0.3% 10ML
** 00230090	P V CARPINE OPHT SOLN 0.5% 15ML
00230091	P V CARPINE OPHT SOLN 1.0% 15ML
00230092	P V CARPINE OPHT SOLN 2.0% 25ML
00230093	P V CARPINE OPHT SOLN 3.0% 15ML
00230094	P V CARPINE OPHT SOLN 4.0% 15ML
00230096	P V CARPINE OPHT SOLN 6.0% 15ML
** 50000850	PILOCARPINE HCL OPHT SOLN 0.25% 10ML
** 50000852	PILOCARPINE HCL OPHT SOLN 0.5% 15ML
** 50000854	PILOCARPINE HCL OPHT SOLN 0.5% 30ML
** 50000856	PILOCARPINE HCL OPHT SOLN 1.0% 15ML
** 50000858	PILOCARPINE HCL OPHT SOLN 1.0% 30ML
** 50000860	PILOCARPINE HCL OPHT SOLN 1.5% 15ML
** 50000862	PILOCARPINE HCL OPHT SOLN 2.0% 15ML
** 50000864	PILOCARPINE HCL OPHT SOLN 2.0% 30ML
** 50000866	PILOCARPINE HCL OPHT SOLN 3.0% 15ML
** 50000868	PILOCARPINE HCL OPHT SOLN 3.0% 30ML
** 50000870	PILOCARPINE HCL OPHT SOLN 4.0% 15ML
** 50000872	PILOCARPINE HCL OPHT SOLN 4.0% 30ML
** 50000874	PILOCARPINE HCL OPHT SOLN 5.0% 15ML
** 50000876	PILOCARPINE HCL OPHT SOLN 6.0% 15ML
** 50000878	PILOCARPINE HCL OPHT SOLN 6.0% 30ML
** 50000880	PILOCARPINE HCL OPHT SOLN 8.0% 15ML
** 50000882	PILOCARPINE HCL OPHT SOLN 10.0% 15ML
** 00230160	PROPINE OPHTHALMIC SOLUTION 0.4% 5ML
** 00230260	PROPINE OPHTHALMIC SOLUTION 0.1% 10ML
** 00230360	PROPINE OPHTHALMIC SOLUTION 0.1% 15ML
** 50007404	TIMOLOL MALEATE OPTH SOLN 0.25% 0.45ML
** 50007405	TIMOLOL MALEATE OPTH SOLN 0.25% 5ML
** 50007406	TIMOLOL MALEATE OPTH SOLN 0.25% 10ML
** 50007409	TIMOLOL MALEATE OPTH SOLN 0.25% 15ML
** 50007411	TIMOLOL MALEATE OPTH SOLN 0.5% 0.45ML
** 50007407	TIMOLOL MALEATE OPTH SOLN 0.5% 5ML

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SECTION 141.1880 EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA
EMERGENCY (Cont'd)

SECTION 141.2400 GASTROINTESTINAL: MISCELLANEOUS (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
** 50007408	TIMOLOL MALEATE OPTH SOLN 0.5% 10ML
** 50007410	TIMOLOL MALEATE OPTH SOLN 0.5% 15ML
(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)	

SECTION 141.2040 EYE/EAR/NOSE/THROAT: SULFONAMIDES
EMERGENCY

Item Number	Drug Name and Strength
** 00041501	GANTRISIN-OPHTHALMIC-ointment-1/80%-TUBE
** 00041702	GANTRISIN OPHTHALMIC SOLN
** 50001090	SULFACETAMIDE SODIUM OPHTHALMIC OINTMENT 10.0%
** 50001094	SULFACETAMIDE SODIUM OPHTHALMIC SOLUTION 10.0% 15ML
** 50001092	SULFACETAMIDE SODIUM OPHTHALMIC SOLUTION 10.0% 5ML
** 50001098	SULFACETAMIDE SODIUM OPHTHALMIC SOLUTION 15.0% 15ML
** 50001096	SULFACETAMIDE SODIUM OPHTHALMIC SOLUTION 15.0% 5ML
** 50001100	SULFACETAMIDE SODIUM OPHTHALMIC SOLUTION 30.0% 15ML
** 00583883	VASOSULF OPHT SOLN 5CC
** 00582883	VASOSULF OPHT SOLN 15CC

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.2400 GASTROINTESTINAL: MISCELLANEOUS
EMERGENCY

Item Number	Drug Name and Strength
** 00830153	ACTIGALL CAPSULE 300MG
** 00023144	AXID CAPSULE 150MG
** 00023145	AXID CAPSULE 300MG
** 00881712	CARAFATE TABLET 1GM
** 00251451	CYTOTEC TABLET 100MCG
** 00251461	CYTOTEC TABLET 200MCG

Item Number	Drug Name and Strength
50004242	METOCLOPRAMIDE HCL SYRUP 5MG/5ML
50004924	METOCLOPRAMIDE HCL TABLET 5MG
50004916	METOCLOPRAMIDE HCL TABLET 10MG
00063539	PEPCID INJECTION 20MG/2ML ONE DOSE VIAL
00063541	PEPCID INJECTION 20MG/2ML TWO DOSE VIAL
00063538	PEPCID SUSPENSION 40MG/5ML
00060963	PEPCID TABLET 20MG
00060964	PEPCID TABLET 40MG
** 00060742	PRIOSEC CAPSULE 20MG
** 00321924	ROWASA RECTAL SUSPENSION ENEMA 4GM/60ML
** 01085029	TAGAMET INJECTION 300MG IN SODIUM CHLORIDE 0.9% 50ML PLASTIC CONTAINERS
01085017	TAGAMET INJECTION 300MG/2ML 2ML VIAL
01085022	TAGAMET INJECTION 300MG/2ML 8ML VIAL
01085014	TAGAMET ORAL LIQUID 300MG/5ML
01085012	TAGAMET TABLET 200MG
01085013	TAGAMET TABLET 300MG
01085026	TAGAMET TABLET 400MG
01085027	TAGAMET TABLET 800MG
01730362	ZANTAC INJECTION 25MG/ML 2ML VIAL
01730363	ZANTAC INJECTION 25MG/ML 10ML VIAL
01730383	ZANTAC SYRUP 15MG/ML
01730344	ZANTAC TABLET 150MG
01730393	ZANTAC TABLET 300MG

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.2520 HOMEOSTATIC/NUTRITIONAL: ALKALINIZERS
EMERGENCY

Item Number	Drug Name and Strength
** 50004948	SODIUM BICARBONATE INJ 7.5% 50ML AMP
** 50004947	SODIUM BICARBONATE INJ 7.5% 50ML SYRINGE
** 50004949	SODIUM BICARBONATE INJ 8.4% 10ML SYRINGE
** 50004950	SODIUM BICARBONATE INJ 8.4% 50ML SYRINGE
** 50005600	SODIUM BICARBONATE INJ 8.4% 50ML VIAL

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

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SECTION 141.2640 HOMEOSTATIC/NUTRITIONAL: IV FLUIDS
EMERGENCY

Item Number	Drug Name and Strength
50000084	DEXTROSE INJECTION 50% 50ML AMP/VIAL
50000085	DEXTROSE INJECTION 50% 50ML SYRINGE
** 50001553	IV SOLN-DEXTROSE 5% IN WATER 250ML
** 50001447	IV SOLN-DEXTROSE 5% 0.50L
** 50001448	IV SOLN-DEXTROSE 5% 1.00L
** 50001451	IV SOLN-DEXTROSE 5% LACTATED RINGER 0.50L
** 50001452	IV SOLN-DEXTROSE 5% LACTATED RINGER 1.00L
** 50001453	IV SOLN-DEXTROSE 5% NACL 0.20% 0.50L
** 50001454	IV SOLN-DEXTROSE 5% NACL 0.20% 1.00L
** 50001457	IV SOLN-DEXTROSE 5% NACL 0.45% 0.50L
** 50001458	IV SOLN-DEXTROSE 5% NACL 0.45% 1.00L
** 50001459	IV SOLN-DEXTROSE 5% NACL 0.90% 0.50L
** 50001460	IV SOLN-DEXTROSE 5% NACL 0.90% 1.00L
** 50001551	IV SOLN-DEXTROSE 5% PIGGY-BACK 100ML
** 50001550	IV SOLN-DEXTROSE 5% PIGGY-BACK 50ML
** 50001461	IV SOLN-DEXTROSE 5% RINGERS 0.50L
** 50001462	IV SOLN-DEXTROSE 5% RINGERS 1.00L
** 50001465	IV SOLN-DEXTROSE 10% NACL 0.9% 1.00L
** 50001463	IV SOLN-DEXTROSE 10% 0.50L
** 50001464	IV SOLN-DEXTROSE 10% 1.00L
** 50001483	IV SOLN-LACTATED RINGERS 0.50L
** 50001484	IV SOLN-LACTATED RINGERS 1.00L
** 50001486	IV SOLN-MANNITOL 10% 0.50L
** 50001487	IV SOLN-MANNITOL 10% 1.00L
** 50001490	IV SOLN-MANNITOL 20% 0.25L
** 50001491	IV SOLN-MANNITOL 20% 0.50L
** 50001523	IV SOLN-RINGERS 0.50L
** 50001524	IV SOLN-RINGERS 1.00L
** 50001526	IV SOLN-SODIUM CHLORIDE 0.45% 1.00L
** 50001552	IV SOLN-SODIUM CHLORIDE 0.9% 250ML
** 50001527	IV SOLN-SODIUM CHLORIDE 0.9% 0.50L
** 50001528	IV SOLN-SODIUM CHLORIDE 0.9% 1.00L
** 50001561	IV SOLN-SODIUM CHLORIDE 0.9% 100ML IVPB
** 50001560	IV SOLN-SODIUM CHLORIDE 0.9% 50ML IVPB

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.2920 HORMONES/AGENTS AFFECTING MECHANISMS:
EMERGENCY ESTROGENS/PROGESTINS

Item Number	Drug Name and Strength
50002490	CHLOROTRIANISENE TAB/CAP 12MG

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SECTION 141.2920 HORMONES/AGENTS AFFECTING MECHANISMS:
EMERGENCY ESTROGENS/PROGESTINS (Cont'd)

Item Number	Drug Name and Strength
50002490	CHLOROTRIANISENE TAB/CAP 12MG
50002492	CHLOROTRIANISENE TAB/CAP 25MG
50002494	CHLOROTRIANISENE TAB/CAP 72MG
50002097	DIETHYLSTILBESTROL TABLET EC 1.0MG
50002119	DIETHYLSTILBESTROL TABLET EC 5.0MG
50002089	DIETHYLSTILBESTROL TABLET 1.0MG
50002100	DIETHYLSTILBESTROL TABLET 5.0MG
** 00870755	ESTRACE TABLET 1.0MG
** 00870756	ESTRACE TABLET 2.0MG
50003413	ESTRADIOL AQUEOUS 0.22MG/1ML 10ML VIAL
50003414	ESTRADIOL AQUEOUS 0.44MG/1ML 10ML VIAL
50003415	ESTRADIOL AQUEOUS 1.0 MG/1ML 10ML VIAL
50003416	ESTRADIOL AQUEOUS 1.1MG/1ML 10ML VIAL
50003418	ESTRADIOL CYPIONATE INJ 1MG/ML 10ML VIAL
50003420	ESTRADIOL CYPIONATE INJ 5MG/ML 5ML VIAL
50001286	ESTRADIOL TRANSDERMAL PATCH 0.05MG 10CM2
50001288	ESTRADIOL TRANSDERMAL PATCH 0.1MG 20CM2
50003421	ESTRADIOL VALERATE 10MG/ML 1ML VIAL
50003422	ESTRADIOL VALERATE 10MG/ML 5ML VIAL
50003423	ESTRADIOL VALERATE 20MG/ML 1ML SYRINGE
50003424	ESTRADIOL VALERATE 20MG/ML 5ML VIAL
50003425	ESTRADIOL VALERATE 40MG/ML 5ML VIAL
00321014	ESTRATAB TABLET 0.3MG
00321022	ESTRATAB TABLET 0.625MG
00321024	ESTRATAB TABLET 1.25MG
00321025	ESTRATAB TABLET 2.5MG
50003426	ESTROGENIC SUBSTANCE AQ INJ 2MG/ML 10ML
50003528	ESTROGENIC SUBSTANCE AQ INJ 5MG/ML 10ML
50003082	HYDROXYPROGESTERONE CAPROATE 125MG/ML 2ML VIAL
50003084	HYDROXYPROGESTERONE CAPROATE 125MG/ML 10ML VIAL
50003086	HYDROXYPROGESTERONE CAPROATE 250MG/ML 1ML SYRINGE
50003088	HYDROXYPROGESTERONE CAPROATE 250MG/ML 5ML VIAL
50003888	MEDROXYPROGESTERONE ACETATE 2.5MG TAB
50002545	MEDROXYPROGESTERONE ACETATE TAB 5MG
50003890	MEDROXYPROGESTERONE ACETATE 10MG TAB/CAP
00292800	MENEST TABLET 0.3MG
00292810	MENEST TABLET 0.625MG
** 00292820	MENEST TABLET 1.25MG
** 00292830	MENEST TABLET 2.5MG

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SECTION 141.2920 HORMONES/AGENTS AFFECTING MECHANISMS:
EMERGENCY ESTROGENS/PROGESTINS (Cont'd)

Item Number	Drug Name and Strength
** 00743943	OGEN TABLET 0.625MG
** 00743946	OGEN TABLET 1.25MG
** 00743951	OGEN TABLET 2.5MG
** 00743958	OGEN TABLET 5MG
** 00460552	PREMARIN INJECTION 25MG W DILUENT
** 00460868	PREMARIN TABLET 0.3MG
** 00460867	PREMARIN TABLET 0.625MG
** 00460864	PREMARIN TABLET 0.9MG
** 00460866	PREMARIN TABLET 1.25MG
** 00460865	PREMARIN TABLET 2.5MG
** 50004925	PROGESTERONE INJECT IN OIL 25MG/ML 10ML
** 50004926	PROGESTERONE INJECT IN OIL 50MG/ML 5ML
** 50004927	PROGESTERONE INJECT IN OIL 50MG/ML 10ML
** 50000641	RITODRINE HCL INJECTION 10MG/ML 5ML AMP
** 50000643	RITODRINE HCL INJECTION 15MG/ML 10ML SYRINGE
** 50000645	RITODRINE HCL TABLET 10MG

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.3320 MISCELLANEOUS
EMERGENCY

Item Number	Drug Name and Strength
** 05040270	ERGAMISOL TABLET 50MG
** 50006910	RABIES VACCINE HDCV SINGLE DOSE VIAL
** 50006920	RABIES IMMUNE GLOBULIN 150IU/ML 2ML
** 50006930	RABIES IMMUNE GLOBULIN 150IU/ML 10ML
** 50004797	RHO (D) IMMUNE GLOBULIN 1:1000
** 50003300	SODIUM CHLORIDE 0.9% 3ML VIAL
** 50003308	FOR RESPIRATORY THERAPY USE
** 50005722	SODIUM CHLORIDE 0.9% 5ML VIAL
** 50005720	FOR RESPIRATORY THERAPY USE
** 00060679	SODIUM CHLORIDE 0.9% FOR INJECTION 10ML
** 50005732	SODIUM CHLORIDE 0.9% FOR INJECTION 5ML
** 50005730	SYPRINE CAPSULE 250MG
** 50006894	WATER, STERILE, FOR INJECTION 10ML
** 50005730	WATER, STERILE, FOR INJECTION 5ML
** 50006894	ZINC SULFATE 66MG (15MG ZINC)

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SECTION 141.3320 MISCELLANEOUS (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
50006896	ZINC SULFATE 110MG (25MG ZINC)
50006900	ZINC SULFATE 220MG (50MG ZINC)

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.3560 ONCOLYTIC/ANTINEOPLASTIC: MISCELLANEOUS
EMERGENCY

Item Number	Drug Name and Strength
** 00341019	ALFERON N INJECTION 5MIU/VIAL
** 60009946	ANTINEOPLASTIC ORAL PRODUCTS - NOT OTHERWISE LISTED-IF LAW REQUIRES RX
** 60009947	ANTINEOPLASTIC PARENTERAL PRODUCTS - NOT OTHERWISE LISTED-IF LAW REQUIRES RX
** 04869041	BCG TICE VACCINE
** 50005349	DACARBAZINE INJECTION 100MG VIAL
** 50005351	DACARBAZINE INJECTION 200MG VIAL
** 00064612	ELSPAR INJECTION 10,000IU/10ML VIAL
** 00030830	HYDREA CAPSULE 500MG
** 00850647	INTRON A INJECTION 3 MILLION IU VIAL
** 00850120	INTRON A INJECTION 5 MILLION IU VIAL
** 00850571	INTRON A INJECTION 10 MILLION IU VIAL
** 00850285	INTRON A INJECTION 25 MILLION IU VIAL
** 00850539	INTRON A INJECTION 50 MILLION IU VIAL
** 00054522	LEUCOVORIN CALCIUM INJECTION 3MG/1ML AMP
** 50005550	LEUCOVORIN CALCIUM INJECTION 5MG/ML 1ML
** 50005555	LEUCOVORIN CALCIUM INJECTION 5MG/ML 5ML
** 00054527	LEUCOVORIN CALCIUM INJECTION 50MG VIAL
** 50001714	LEUCOVORIN CALCIUM INJECTION 100MG VIAL
** 50001718	LEUCOVORIN CALCIUM INJECTION 350MG VIAL
** 50005540	LEUCOVORIN CALCIUM TABLET 5MG
** 50005834	LEUCOVORIN CALCIUM TABLET 15MG
** 50005545	LEUCOVORIN CALCIUM TABLET 25MG
** 03268213	LYSODREN TABLET 500MG
** 00040053	MATULANE CAPSULE 50MG
** 00041933	ROFERON A INJECTION 3 MILLION IU/0.5ML POWDER
** 00041988	VIAL WITH DILUENT
** 00041987	ROFERON A INJECTION 3 MILLION IU/0.5ML 3ML VIAL
** 00041987	ROFERON A INJECTION 3 MILLION IU/ML 1ML VIAL

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SECTION 141.3560 ONCOLYTIC/ANTINEOPLASTIC: MISCELLANEOUS
EMERGENCY (Cont'd)

Item Number	Drug Name and Strength
** 00042005	ROPERON-A INJECTION 36 MILLION IU/ML IML
** 00153091	VEPESID CAPSULE 50MG
** 01178802	THERACYS INTRAVESICAL FREEZE-DRIED SUSPENSION FOR RECONSTITUTION 20MG VIAL
** 00153095	VEPESID INJECTION 20MG/ML 5ML VIAL
** 50003601	VINBLASTINE SULFATE 10MG/10ML VIAL
** 50003603	VINCRISTINE SULFATE 1MG/ML 1ML
** 50003605	VINCRISTINE SULFATE 1MG/ML 2ML
** 50003607	VINCRISTINE SULFATE 1MG/ML 5ML

(Source: Emergency amendment at 15 Ill. Reg. 1121,
effective January 15, 1991, for a maximum of 150 days)

SECTION 141.3600 OSTOMY SUPPLIES
EMERGENCY

Item Number	Drug Name and Strength
** 60009922	OS OSTOMY SUPPLIES - NOT OTHERWISE LISTED - SPECIFY MFG AND LIST NUMBER
** 50008470	OS BARD 140X DISPOSABLE IRRIGATION SET
** 50008471	OS BARD 144X DISPOSABLE DRAIN SLEEVES
** 50008505	OS BARD 2252 STOMAPLAST PLUS POUCH
** 50008506	OS BARD 2253 STOMAPLAST PLUS POUCH
** 50008476	OS BARD 260X SAF-T-POUCH SET
** 50008477	OS BARD 264X SAF-T-POUCH REFILLS
** 50008480	OS BARD 274X SAF-T-POUCH REFILLS
** 50008481	OS BARD 4221 STOMAPLAST PLUS POUCH
** 50008507	OS BARD 4222 STOMAPLAST PLUS POUCH
** 50008509	OS BARD 4223 STOMAPLAST PLUS POUCH
** 50008486	OS BARD 613X KARAYA WASHER
** 50008485	OS BARD 614X KARAYA WASHER 3 3/4 OD
** 50008489	OS BARD 6540 ADH SQ W/CRIXILINE 4X4
** 50008490	OS BARD 6580 ADH SQ W/CRIXILINE 8X8
** 50008491	OS BARD 6590 ADHESIVE STRIPS 6X7/8
** 50008492	OS BARD 672X SAF-T-POUCH ADHES GASKETS
** 50008493	OS BARD 8110 SAF-T-BELT
** 50008494	OS BARD 8120 SNAP-TITE BELT
** 50008495	OS BARD 8230 KARAYA POWDER 3.50Z
** 50008496	OS BARD 8240 KARAYA POWDER 140Z
** 50008498	OS BARD 8520 ADHESIVE SOLVENT 80Z CAN
** 50008499	OS BARD 8530 ADHESIVE SOLVENT 320Z CAN

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SECTION 141.3600 OSTOMY SUPPLIES (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
** 50008500	OS BARD 8540 DEODORANT 20Z BOTTLE
** 50008501	OS BARD 8550 DEODORANT 80Z BOTTLE
** 50008502	OS BARD 871X GASKET PLASTIC REINFORCE
** 50008503	OS BARD 8720 FACE PLATE SOFT
** 50008504	OS BARD 8730 FACE PLATE HARD
** 50007742	OS BARD 960001 REG COLOSTOMY POUCH NO. 1
** 50007741	OS BARD 960002 REG COLOSTOMY POUCH NO. 2
** 50007740	OS BARD 960003 REG COLOSTOMY POUCH NO. 3
** 50007739	OS BARD 960004 REG COLOSTOMY POUCH NO. 4
** 50007747	OS BARD 960101 EXTRA COLOSTOMY POUCH NO. 1
** 50007746	OS BARD 960102 EXTRA COLOSTOMY POUCH NO. 2
** 50007745	OS BARD 960103 EXTRA COLOSTOMY POUCH NO. 3
** 50007722	OS BARD 960201 REG ILEOSTOMY POUCH NO. 20
** 50007730	OS BARD 960202 EXTRA ILEOSTOMY POUCH 20
** 50007721	OS BARD 960301 REG ILEOSTOMY POUCH NO. 30
** 50007729	OS BARD 960302 EXTRA ILEOSTOMY POUCH 30
** 50007727	OS BARD 960401 EXTRA ILEO B POUCH
** 50007723	OS BARD 960402 BELT-ADJUST SUPPORT PLATE
** 50007725	OS BARD 960403 EXTRA ILEO B MINI POUCH
** 50007726	OS BARD 960405 EXTRA ILEO B POUCH
** 50007724	OS BARD 960406 EXTRA ILEO B POUCH 60MM
** 50007714	OS BARD 960420 ADJUSTABLE BELT
** 50007738	OS BARD 961001 DELUXE IRRIGATION SET
** 50007734	OS BARD 961002 EXTRA SECURITY POUCH
** 50007731	OS BARD 961003 IRRIGATION SLEEVES
** 50007720	OS BARD 961004 KARAYA RINGS
** 50007733	OS BARD 961008 EXTRA SECURITY POUCH
** 50007737	OS BARD 961010 COLO-TIP FOR IRRIG SET
** 50007736	OS BARD 961011 IRRIGATOR BAG-VALVE/TUBE
** 50007735	OS BARD 961012 FACE PLATE FOR IRRIG SET
** 50007719	OS BARD 961015 STOMA URINE BAG ADULT
** 50007718	OS BARD 961016 STOMA URINE BAG MEDIUM
** 50007717	OS BARD 961017 STOMA URINE BAG PEDIATRIC
** 50007732	OS BARD 961020 EXTRA SECURITY POUCH 60MM
** 50007716	OS BARD 962901 RETAIL APPLIANCE KIT 10MM
** 50007715	OS BARD 962905 RETAIL APPLIANCE KIT 40MM
** 50007744	OS BARD 963002 CERTAIN STANDARD POUCH
** 50007743	OS BARD 963003 CERTAIN LARGE POUCH
** 50007712	OS CONVA 021712 STOMAHESIVE COVERING 4X4
** 50007711	OS CONVA 021715 STOMAHESIVE COVERING 8X8
** 50007846	OS CONVA 021915 ACCUSEAL ADAPTER
** 50007851	OS CONVA 02192X SUR-FIT UROSTOMY POUCH W/ACCUSEAL TAP TRANSPARENT STANDARD

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SECTION 141.3600 OSTOMY SUPPLIES (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
** 50007832	OS CONVA 022771 ACTIVE LIFE ONE-PIECE DRAINABLE CUSTOM POUCH 12" TRANSPARENT
** 50007852	OS CONVA 02423X SUR-FIT UROSTOMY POUCH TRANSPARENT SMALL
** 50007853	OS CONVA 02423X SUR-FIT UROSTOMY POUCH TRANSPARENT STANDARD
** 50007860	OS CONVA 02425X SUR-FIT IRRIGATION SLEEVE
** 50007859	OS CONVA 02426X SUR-FIT FLANGE CAP
** 50007862	OS CONVA 02547X SUR-FIT DRAINABLE POUCH 10" OPAQUE WITHOUT FABRIC PANEL
** 50007863	OS CONVA 02547X SUR-FIT DRAINABLE POUCH 12" OPAQUE WITHOUT FABRIC PANEL
** 50007876	OS CONVA 025510 STOMAHESIVE POWDER 30GM
** 50007826	OS CONVA 0256XX STOMAHESIVE SUR-FIT 4X4
** 50007827	OS CONVA 02562X SUR-FIT CLOSED POUCH OPQ
** 50007825	OS CONVA 02563X SUR-FIT DRAIN PCH 12" TR
** 50007823	OS CONVA 02564X SUR-FIT DRAIN PCH 12" OP
** 50007824	OS CONVA 02569X SUR-FIT DRAIN PCH 10" OP
** 50007865	OS CONVA 02569X SUR-FIT DRAINABLE POUCH 10" OPAQUE
** 50007861	OS CONVA 02577X SUR-FIT MINI-POUCH
** 50007845	OS CONVA 027060 SUR-FIT NIGHT DRAINAGE CONTAINER SET
** 50007844	OS CONVA 027061 SUR-FIT NIGHT DRAINAGE CONTAINER COVER
** 50007828	OS CONVA 175510 APPLIANCE BELT ADJUST
** 50007874	OS CONVA 175600 SUR-FIT TAIL CLOSURES FOR USE WITH 025470 THRU 025479 ONLY
** 50007875	OS CONVA 175635 SUR-FIT/ACTIVE LIFE TAIL CLOSURES
** 50007855	OS CONVA 175650 SUR-FIT IRRIGATION SLEEVE TAIL CLOSURE
** 50007842	OS CONVA 1801XX SUR-FIT POUCH COVERS
** 50007877	OS CONVA 183910 STOMAHESIVE PASTE 60GM
** 50007843	OS CONVA 1850XX SUR-FIT DISPOSABLE CONVEX INSERTS
** 50008478	OS DIAM SHAM SAF-T-POUCH SET C O B F 270
** 50008479	OS DIAM SHAM SAF-T-POUCH SET C 4 SHS 271
** 50008487	OS DIAM SHAM SKIN BARRIER SEAL 628
** 50008488	OS DIAM SHAM SKIN BARRIER SEAL 629
** 50008472	OS DIAM SHAM STOMAPLAST PLUS BAG 2251
** 50008473	OS DIAM SHAM STOMAPLAST PLUS CR BAG 226
** 50008474	OS DIAM SHAM STOMAPLAST PLUS CR BAG 227

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Item Number	Drug Name and Strength
** 50007848	OS CONVA 02193X SUR-FIT UROSTOMY POUCH WITH ACCUSEAL TAP OPAQUE STANDARD
** 50007850	OS CONVA 021930 SUR-FIT UROSTOMY POUCH 100MM (4") FLANGE W/ACCUSEAL TAP
** 50007847	OS CONVA 021940 SUR-FIT UROSTOMY POUCH 100MM (4") FLANGE W/ACCUSEAL TAP
** 50007849	OS CONVA 02195X SUR-FIT UROSTOMY POUCH WITH ACCUSEAL TAP OPAQUE SMALL
** 50007873	OS CONVA 022340 STOMAHESIVE WAFER SURFIT 5"X5" WAFER W/2-3/4" SUR-FIT FLANGE
** 50007872	OS CONVA 022341 STOMAHESIVE WAFER SURFIT 6"X6" WAFER W/4" SUR-FIT FLANGE
** 50007864	OS CONVA 022353 SUR-FIT DRAINABLE POUCH 14" TRANSPARENT WITH 4" FLANGE
** 50007867	OS CONVA 022370 STOMAHESIVE WAFER 4"X4" WITH 2-3/4" SUR-FIT ACCORDIAN FLANGE
** 50007866	OS CONVA 022380 STOMAHESIVE WAFER 5"X5" WITH 4" SUR-FIT ACCORDIAN FLANGE
** 50007868	OS CONVA 02252X SUR-FIT FLEXIBLE FLANGE
** 50007871	OS CONVA 02256X DURAHESIVE WAFER 4"X4" WITH LOW PROFILE FLANGE
** 50007870	OS CONVA 022569 DURAHESIVE WAFER 5"X5" WITH 2-3/4" SUR-FIT FLANGE
** 50007869	OS CONVA 022570 DURAHESIVE WAFER 6"X6" WITH 4" SUR-FIT FLANGE
** 50007834	OS CONVA 0227XX ACTIVE LIFE ONE-PIECE DRAINABLE POUCH 12" OPAQUE
** 50007833	OS CONVA 0227XX ACTIVE LIFE ONE-PIECE DRAINABLE POUCH 12" TRANSPARENT
** 50007831	OS CONVA 022703 ACTIVE LIFE ONE-PIECE CLOSED-END POUCH OPAQUE
** 50007830	OS CONVA 022706 ACTIVE LIFE ONE-PIECE CLOSED-END POUCH TRANSPARENT
** 50007858	OS CONVA 02271X VISI-FLOW IRRIGATION STARTER SET
** 50007829	OS CONVA 022710 ACTIVE LIFE ONE-PIECE STOMA CAP
** 50007857	OS CONVA 022735 VISI-FLOW IRRIGATOR WITH STOMA CONE
** 50007856	OS CONVA 022736 VISI-FLOW STOMA CONE
** 50007854	OS CONVA 02274X SUR-FIT IRRIGATION ADAPTER FACEPLATE
** 50007841	OS CONVA 02275X ACTIVE LIFE ONE-PIECE DRAINABLE POUCH 10" OPAQUE

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Item Number	Drug Name and Strength
** 50008475	OS DIAM SHAM STOMAPLAST PLUS CR BAG 228
** 50008482	OS DIAM SHAM STOMAPLAST PLUS CRDS BG 426
** 50008483	OS DIAM SHAM STOMAPLAST PLUS CRDS BG 427
** 50008484	OS DIAM SHAM STOMAPLAST PLUS CRDS BG 428
** 50008497	OS DIAM SHAM SUPER BOND CEMENT 4OZ 8510
** 50007758	OS HOLL ADJUSTABLE OSTOMY BELT
** 50007840	OS HOLL ADH DRAINABLE OPAQUE SERIES 749
** 50007788	OS HOLL ADHESIVE SECURITY POUCH 714
** 50007789	OS HOLL ADHESIVE STOMA BAG 717
** 50007752	OS HOLL DILATOR GLOVE 7741
** 50007784	OS HOLL IRRIGATION SET 773
** 50007785	OS HOLL IRRIGATOR 7201
** 50007777	OS HOLL KARAYA SEAL DRAINABLE STOM BG725
** 50007780	OS HOLL KARAYA SEAL DRAINABLE STOM BG726
** 50007776	OS HOLL KARAYA SEAL DRN STOM BG C ADH723
** 50007773	OS HOLL KARAYA SEAL DRN STOM BG C ADH724
** 50007791	OS HOLL REGULAR STOMA BAG 710
** 50007761	OS HOLL UROSTOMY BAG C ADHESIVE ONLY 744
** 50007764	OS HOLL UROSTOMY BAG C KARAYA SEAL 741
** 50002556	OS HOLL 141X LO-PROFILE UROSTOMY POUCH W/MICROPOROUS II ADHESIVE AND GASKET
** 50002581	OS HOLL 142X LO-PROFILE UROSTOMY POUCH W/MICROPOROUS II ADHESIVE
** 50002555	OS HOLL 143X LO-PROFILE UROSTOMY POUCH W/MICROPOROUS II KARAYA 5 SEAL/GASKET
** 50008270	OS HOLL 227X FILTER STOMA POUCH WITH STANDARD ADHESIVE
** 50007836	OS HOLL 300X SECURE ADHESIVE OSTOMY SYSTEM POUCH CLEAR
** 50007837	OS HOLL 304X SECURE ADHESIVE OSTOMY SYSTEM POUCH OPAQUE
** 50007838	OS HOLL 311X KARAYA SEAL DRAINABLE STOMA POUCH SHORT 12" OPAQUE
** 50007839	OS HOLL 313X KARAYA SEAL DRAINABLE STOMA POUCH BRIEF 9" OPAQUE
** 50008271	OS HOLL 314X FILTER SECURITY POUCH WITH MICROPOROUS ADHESIVE
** 50002591	OS HOLL 318X STOMA CAP W/MICROPOROUS ADHESIVE 2" or 3"
** 50008268	OS HOLL 322X KARAYA SEAL DRAINABLE STOMA POUCH SHORT 12" REGULAR
** 50008269	OS HOLL 323X KARAYA SEAL DRAINABLE STOMA POUCH BRIEF 9" REGULAR

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Item Number	Drug Name and Strength
** 50008267	OS HOLL 327X KARAYA SEAL DRAINABLE STOMA POUCH MEDIUM 16" REGULAR
** 50008272	OS HOLL 332X KARAYA SEAL STOMA POUCH W/KARAYA 5 RING MICROPOROUS ADH FLTR
** 50002589	OS HOLL 350X PREMIUM CLOSED POUCH WITH MICROPOROUS II ADH DEOD FLTR QUFILM
** 50002587	OS HOLL 353X PREMIUM CLOSED POUCH WITH KARAYA 5 MICROPOROUS II FLTR FILM OP
** 50002588	OS HOLL 354X PREMIUM CLOSED POUCH WITH SYN RING MICROPOROUS II FLTR OPQUFLM
** 50002586	OS HOLL 355X PREMIUM CLOSED POUCH WITH KARAYA 5 MICROPOROUS II FILTER FILM
** 50002543	OS HOLL 360X PREMIUM DRAINABLE POUCH WITH KARAYA 5 SEAL, MICROPOROUS II
** 50002540	OS HOLL 363X FIRSTCHOICE DRAINABLE POUCH SYNTHETIC BARRIER CUSHION FIT
** 50002541	OS HOLL 364X PREMIUM DRAINABLE POUCH WITH SYNTHETIC SEAL RING MICROPOROUS
** 50002548	OS HOLL 366X PREMIUM DRAINABLE POUCH WITH REPLACEMENT FILTER
** 50002538	OS HOLL 370X TWO-PIECE OSTOMY SYSTEM SKIN BARRIER W/FLANGE 1 1/2" -- 2 3/4"
** 50002537	OS HOLL 3706 TWO-PIECE OSTOMY SYSTEM SKIN BARRIER W/FLANGE 4" FLANGE
** 50002736	OS HOLL 380X TWO-PIECE OSTOMY SYSTEM REG DRN POUCH W/FLANGE 1 1/2" -- 2 3/4"
** 50002533	OS HOLL 3806 TWO-PIECE OSTOMY SYSTEM REG DRAINABLE POUCH W/FLANGE 4" FLANGE
** 50002735	OS HOLL 381X TWO-PIECE OSTOMY SYSTEM OPQ DRN POUCH W/FLANGE 1 1/2" -- 2 3/4"
** 50002532	OS HOLL 3816 TWO-PIECE OSTOMY SYSTEM OPQ DRAINABLE POUCH W/FLANGE 4" FLANGE
** 50002529	OS HOLL 382X TWO-PIECE OSTOMY SYSTEM IRRIGATOR DRAIN
** 50002531	OS HOLL 390X TWO-PIECE OSTOMY SYSTEM PREMIUM UROSTOMY POUCH W/FLANGE
** 50008273	OS HOLL 412X HOLLIGARD SEAL STOMA POUCH WITH MICROPOROUS ADHESIVE AND FILTER
** 50007757	OS HOLL 7035 APPLIANCE COVER CLOSED BAGS
** 50007756	OS HOLL 7037 APPLIANCE COVER DRAIN BAG
** 50007790	OS HOLL 713X MINI POUCH
** 50007792	OS HOLL 716X KARAYA SEAL STOMA POUCH WITH KARAYA 5 SEAL RING
** 50007787	OS HOLL 718X REGULAR STOMA CAP

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Item Number	Drug Name and Strength
** 50007753	OS HOLL 7740 STOMA LUBRICANT 4OZ BOTTLE
** 50002605	OS HOLL 7755 UNIVERSAL REMOVER FOR ADHESIVES AND BARRIERS 6OZ BOTTLE
** 50002606	OS HOLL 7760 UNIVERSAL REMOVER WIPES FOR ADHESIVES AND BARRIERS-CARTON OF 50
** 50007751	OS HOLL 7765 DRAINABLE POUCH CLAMP
** 50002549	OS HOLL 7766 REPLACEMENT FILTERS FOR PREMIUM DRAINABLE POUCH
** 50002622	OS HOLL 7770 PREMIUM DRAINABLE POUCH CLAMP FOR PREMIUM AND QUIET FILM
** 50002593	OS HOLL 7800 PREMIUM SKIN BARRIER 4" X 4" NON-STERILE
** 50002598	OS HOLL 7801 PREMIUM SKIN BARRIER 8" X 8" NON-STERILE
** 50008266	OS HOLL 7905 KARAYA POWDER 2.5 OZ BOTTLE
** 50007749	OS HOLL 7910 KARAYA PASTE 4.5 OZ TUBE
** 50007750	OS HOLL 7916 SKIN GEL 1 OZ TUBE
** 50002619	OS HOLL 7917 SKIN GEL PROTECTIVE DRESSING WIPES-CARTON OF 50
** 50002604	OS HOLL 7918 SKIN GEL SPRAY 4OZ BOTTLE
** 50007748	OS HOLL 7919 KARAYA PASTE 2 OZ TUBE
** 50002602	OS HOLL 7920 HOLLIHESIVE PASTE 4.5OZ
** 50002601	OS HOLL 7930 PREMIUM PASTE 2OZ TUBE
** 50002603	OS HOLL 9760 POST-OP POUCH W/MICROPOROUS II ADHESIVE AND ATTACHED CLOSURE
** 50002539	OS HOLL 9765 PEDIATRIC POUCH
** 50003640	OS INCONT. CLEANSER/DEODORIZER-RINSE (NOTE: FOR OSTOMY PATIENT USE ONLY)
** 50003642	OS INCONT. CLEANSER/DEODORIZER-NO RINSE (NOTE: FOR OSTOMY PATIENT USE ONLY)
** 50003644	OS MOISTURE BARRIER OINTMENT WITH A & D (NOTE: FOR OSTOMY PATIENT USE ONLY)
** 50007501	OS NUHOPE 2101 REUSABLE URINARY POUCH STYLE A
** 50007502	OS NUHOPE 2102 REUSABLE URINARY POUCH STYLE A W/VALVE
** 50007503	OS NUHOPE 2111 REUSABLE URINARY POUCH STYLE B
** 50007504	OS NUHOPE 2115 REUSABLE URINARY POUCH STYLE C
** 50007505	OS NUHOPE 2118 REUSABLE URINARY POUCH STYLE D
** 50007506	OS NUHOPE 2125 REUSABLE URINARY POUCH STYLE H
** 50007507	OS NUHOPE 2126 REUSABLE URINARY POUCH STYLE H W/VALVE
** 50007508	OS NUHOPE 22XX BASE PLATE AND RING SET
** 50007509	OS NUHOPE 23XX ADHERING TAPE DISC

Item Number	Drug Name and Strength
** 50007786	OS HOLL 719X STOMA IRRIGATOR DRAIN
** 50007779	OS HOLL 721X KARAYA SEAL DRAINABLE STOMA POUCH WITH KARAYA 5 RING SHORT 12"
** 50007775	OS HOLL 722X KARAYA SEAL DRAINABLE STOMA POUCH WITH KARAYA 5 SHORT 12"
** 50007774	OS HOLL 727X KARAYA SEAL DRAINABLE STOMA POUCH WITH KARAYA 5 MEDIUM 16"
** 50007778	OS HOLL 728X KARAYA SEAL DRAINABLE STOMA POUCH WITH KARAYA 5 RING MEDIUM 16"
** 50002584	OS HOLL 7328 STANDARD UROSTOMY DRAIN TUB
** 50007760	OS HOLL 7328 UROSTOMY DRAIN TUBE STANDRD
** 50002583	OS HOLL 7330 LO-PROFILE DRAIN TUBE
** 50002582	OS HOLL 7331 UROSTOMY DRAIN TUBE ADAPTER
** 50007769	OS HOLL 734X LOOP OSTOMY DRAINABLE POUCH
** 50007770	OS HOLL 734X LOOP OSTOMY GASKET ASSEMBLY
** 50007768	OS HOLL 734X LOOP OSTOMY STARTER SET
** 50007759	OS HOLL 739X KARAYA SEAL RING
** 50007767	OS HOLL 740X UROSTOMY POUCH BRIEF 9"
** 50007771	OS HOLL 742X ADHESIVE DRAINABLE STOMA POUCH MEDIUM 16"
** 50007772	OS HOLL 743X ADHESIVE DRAINABLE STOMA POUCH SHORT 12"
** 50007765	OS HOLL 745X UROSTOMY POUCH MEDIUM 12"
** 50007762	OS HOLL 746X UROSTOMY POUCH WITH KARAYA 5 SEAL RING MEDIUM 16"
** 50007766	OS HOLL 747X UROSTOMY POUCH SHORT 12"
** 50007763	OS HOLL 748X UROSTOMY POUCH WITH KARAYA 5 SEAL RING SHORT 12"
** 50007835	OS HOLL 7700 HOLLIHESIVE SKIN BARRI 4X4
** 50002599	OS HOLL 7701 HOLLIHESIVE SKIN BARRIER 8" X 8" NON-STERILE
** 50002600	OS HOLL 7708 HOLLISEAL SKIN BARRIER 4" X 4"
** 50007781	OS HOLL 772X COMBINATION CONE/TUBE
** 50007783	IRRIGATION STARTER SET 2" OR 3"
** 50007782	OS HOLL 772X COMBINATION CONE/TUBE STOMA IRRIGATOR DRAIN 2" OR 3"
** 50002592	OS HOLL 7721 COMBINATION CONE/TUBE IRRIGATION KIT
** 50007755	OS HOLL 7723 STOMA CONE REPLACEMENT UNIT W/CONNECTOR AND INSTRUCTIONS
** 50007754	OS HOLL 7730 MEDICAL ADHESIVE 6OZ CAN
** 50007754	OS HOLL 7731 MEDICAL ADHESIVE REMOVER 6OZ SPRAY CAN

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Item Number	Drug Name and Strength
** 50007510	OS NUHOPE 2313 ADHERING TAPE DISC 1-5/8"
** 50007511	OS NUHOPE 2330 REGULAR ADHERING TAPE STRIPS
** 50007512	OS NUHOPE 2332 EXTRA WIDE ADHERING TAPE STRIPS
** 50007513	OS NUHOPE 2334 EXTRA LONG ADHERING TAPE STRIPS
** 50007514	OS NUHOPE 2400 ADHESIVE 3OZ BOTTLE W/APPLICATOR
** 50007515	OS NUHOPE 2401 ADHESIVE 1OZ BOTTLE W/APPLICATOR
** 50007516	OS NUHOPE 2408 CLEANING SOLVENT 4OZ
** 50007517	OS NUHOPE 2410 CLEANING SOLVENT 16OZ
** 50007518	OS NUHOPE 2427 THINNING SOLVENT 2OZ
** 50007519	OS NUHOPE 2500 THIN RUBBER STOMA SEALS
** 50007520	OS NUHOPE 251X CLOTH COVER FOR 12OZ or 20OZ
** 50007521	OS NUHOPE 2513 CLOTH COVER FOR 30OZ
** 50007522	OS NUHOPE 252X HOLE CUTTER TOOL 1/2" THRU 1-1/8"
** 50007523	OS NUHOPE 253X HOLE CUTTER TOOL 1-1/4" THRU 1-1/2"
** 50007524	OS NUHOPE 253X HOLE CUTTER TOOL 1-3/4" THRU 2"
** 50007525	OS NUHOPE 2540 REGULAR VALVE SET
** 50007526	OS NUHOPE 2543 EXTRA WIDE VALVE SET
** 50007527	OS NUHOPE 2546 LONG CURVED VALVE SET
** 50007528	OS NUHOPE 2550 DRYING HANGER
** 50007529	OS NUHOPE 2555 STANDARD SHORT SHIELD
** 50007530	OS NUHOPE 2556 EXTRA LARGE SUPPORT SHIELD
** 50007531	OS NUHOPE 2600 1" ELASTIC BELT W/PLASTIC BUCKLES
** 50007532	OS NUHOPE 2605 1" ELASTIC BELT W/METAL BUCKLES
** 50007533	OS NUHOPE 2610 1-1/2" ELASTIC BELT W/PLASTIC BUCKLES
** 50007534	OS NUHOPE 2615 1-1/2" ELASTIC BELT W/METAL BUCKLES
** 50007535	OS NUHOPE 2630 1" RUBBER BELT W/PLASTIC BUCKLES
** 50007536	OS NUHOPE 266X SUPPORT BELT 4"
** 50007538	OS NUHOPE 3101 REUSABLE DRAINABLE POUCH STYLE E
** 50007539	OS NUHOPE 3103 REUSABLE DRAINABLE POUCH STYLE F

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Item Number	Drug Name and Strength
** 50007540	OS NUHOPE 3142 CRYOVAC DISPOSABLE POUCH
** 50007541	OS NUHOPE 3200 KARAYA GUM POWDER 3.5OZ SQUEEZE BOTTLE
** 50007542	OS NUHOPE 3205 KARAYA GUM POWDER 1/2OZ SQUEEZE BOTTLE
** 50007543	OS NUHOPE 3208 KARAYA GUM POWDER 1LB BOTTLE
** 50007544	OS NUHOPE 3220 CARBO ZINC 6OZ JAR
** 50007545	OS NUHOPE 4003 PHARMASEAL DRAINAGE CONTAINER
** 50007546	OS NUHOPE 4008 NU-CREAM 2OZ JAR
** 50007547	OS NUHOPE 4010 NU-CREAM 1OZ TUBE
** 50007548	OS NUHOPE 4020 NU-GARD SKIN BARRIER WIPES
** 50007549	OS NUHOPE 50XX DUALSTICK ADHESIVE PAD
** 50007550	OS NUHOPE 62XX CONVEX INSERTS PACK OF 10
** 50007551	OS NUHOPE 65XX 3" SUPPORT BELT
** 50007552	OS NUHOPE 66XX 6" SUPPORT BELT
** 50007553	OS NUHOPE 66XX 9" SUPPORT BELT
** 50007554	OS NUHOPE 71XX ODORPROOF BRIEF POST OP DRAINABLE 12OZ POUCH
** 50007555	OS NUHOPE 71XX NU-FLEX DRAINABLE MINI POUCH 8OZ
** 50007556	OS NUHOPE 72XX ODORPROOF ADULT POST OP DRAINABLE 24OZ POUCH
** 50007557	OS NUHOPE 73XX ODORPROOF BRIEF NU-SELF (OPAQUE) 12OZ DRAINABLE POUCH
** 50007558	OS NUHOPE 74XX ODORPROOF ADULT NU-SELF (OPAQUE) 24OZ DRAINABLE POUCH
** 50007559	OS NUHOPE 77XX BRIEF NU-FLEX DRAIN POUCH 12OZ
** 50007560	OS NUHOPE 77XX-FV BRIEF NU-FLEX DRAIN POUCH
** 50007561	POUCH WITH FLUTTER VALVE 12OZ
** 50007562	OS NUHOPE 7854 ADULT NU-FLEX DRAIN POUCH TAPE DISC
** 50007563	OS NUHOPE 7854-FV ADULT NU-FLEX DRAIN POUCH TAPE DISC WITH FLUTTER VALVE
** 50007564	OS NUHOPE 79XX ADULT NU-FLEX DRAIN POUCH 22OZ
** 50007565	OS NUHOPE 79XX-FV ADULT NU-FLEX DRAIN POUCH WITH FLUTTER VALVE 22OZ
** 50007566	OS NUHOPE 81XX BRIEF POST-OP DRAINABLE POUCH 12OZ
** 50007567	OS NUHOPE 8134 NU-FLEX MINI-POUCH 6OZ
** 50007568	OS NUHOPE 8134-FV NU-FLEX MINI-POUCH WITH FLUTTER VALVE 6OZ
** 50007569	OS NUHOPE 81XX BRIEF POST-OP URINARY POUCH 12OZ

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Item Number	Drug Name and Strength
** 50007570	OS NUHOPE 81XX-TS BRIEF POST-OP URINARY TRIM SHIELD POUCH 12OZ
** 50007571	OS NUHOPE 81XX-FV BRIEF POST-OP URINARY POUCH WITH FLUTTER VALVE 12OZ
** 50007572	OS NUHOPE 82XX ADULT POST-OP DRAINABLE POUCH 24OZ 1/2" THROUGH 2" OPENING
** 50007573	OS NUHOPE 82XX ADULT POST-OP DRAINABLE POUCH 24OZ 2-1/4" THROUGH 3" OPENING
** 50007574	OS NUHOPE 82XX ADULT POST-OP URINARY POUCH 24OZ 1/2" THROUGH 2" OPENING
** 50007575	OS NUHOPE 82XX ADULT POST-OP URINARY POUCH 24OZ 2-1/4" THROUGH 3" OPENING
** 50007576	OS NUHOPE 82XX-TS ADULT POST-OP URINARY TRIM SHIELD POUCH 24OZ
** 50007577	OS NUHOPE 82XX-FV ADULT POST-OP URINARY POUCH WITH FLUTTER VALVE 24OZ
** 50007578	OS NUHOPE 8316 DOUBLE BARRELL POST-OP DRAINABLE POUCH
** 50007579	OS NUHOPE 83XX DUALSTICK DRAIN 4" X 12"
** 50007580	OS NUHOPE 8395 DUALSTICK DRAIN 11" X 27"
** 50007581	OS NUHOPE 84XX ADULT HI-POCKETS DRAINABLE POUCH 24OZ
** 50007582	OS NUHOPE 84XX ADULT HI-POCKETS URINARY POUCH 24OZ
** 50007583	OS NUHOPE 84XX-FV ADULT HI-POCKETS URINARY POUCH WITH FLUTTER VALVE
** 50007584	OS NUHOPE 85XX BRIEF HI-POCKETS DRAINABLE POUCH 12OZ
** 50007585	OS NUHOPE 85XX BRIEF HI-POCKETS URINARY POUCH 12OZ
** 50007586	OS NUHOPE 86XX COLOSTOMY POUCH
** 50007587	OS NUHOPE 87XX ADULT NU-SELF DRAINABLE POUCH 24OZ
** 50007588	OS NUHOPE 88XX BRIEF NU-SELF DRAINABLE POUCH 12OZ
** 50003646	OS SKIN CREAM WITH METHYLBENZETHONIUM CL (NOTE: FOR OSTOMY PATIENT USE ONLY)
** 50003648	OS SKIN LIQUID PROTECTIVE BARRIER (NOTE: FOR OSTOMY PATIENT USE ONLY)
** 50003650	OS SKIN PROTECTIVE BARRIER WIPES (NOTE: FOR OSTOMY PATIENT USE ONLY)

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** 11700301	OS-SWEEN-0201-SWEEN-CREAM-57GM-JAR/TUBE
** 11700216	OS-SWEEN-0216-SWEEN-CREAM-142GM-JAR/TUBE
** 11700925	OS-SWEEN-0925-SWEEN-PREP-59ML
** 11700926	OS-SWEEN-0926-SWEEN-PREP-118ML
** 11700951	OS-SWEEN-0951-PURI-CLENS-59ML
** 11700951	OS-SWEEN-0951-PURI-CLENS-118ML
** 11701001	OS-SWEEN-1001-PERI-CARE-OINTMENT-57GM-JAR
** 11701001	OS-SWEEN-1001-PERI-CARE-OINTMENT-227GM-JAR
** 11701005	OS-SWEEN-1005-PERI-CARE-OINTMENT-50GM-TUBE
** 11701006	OS-SWEEN-1006-PERI-CARE-OINTMENT-142GM-TUBE
** 11701021	OS-SWEEN-1021-PERI-CARE-OINTMENT-14GM-TUBE
** 11701321	OS SWEEN 1321 MICRO-GUARD SKIN CREAM 57GM
** 11701332	OS SWEEN 1332 MICRO-GUARD SKIN CREAM 14GM
** 11701400	OS-SWEEN-1400-PERI-WASH-237ML
** 11701410	OS-SWEEN-1410-PERI-WASH-118ML
** 11701452	OS-SWEEN-1452-PERI-WASH-11-118ML
** 11701453	OS-SWEEN-1453-PERI-WASH-11-237ML
** 11701523	OS SWEEN 1523 O.A.D. OSTOMY APPLIANCE DEODORANT 37ML
** 11701525	OS SWEEN 1525 O.A.D. OSTOMY APPLIANCE DEODORANT 237ML
** 11701527	OS SWEEN 1527 O.A.D. OSTOMY APPLIANCE DEODORANT 118ML
** 11701571	OS SWEEN 1571 O.A.D. SWEEN-A-PEEL WAFER SKIN PROTECTANT 4" X 4" 5 WAFERS
** 11701579	OS SWEEN 1579 SWEEN-A-PEEL WAFER SKIN PROTECTANT 12" X 12" 1 WAFER
** 11701921	OS SWEEN 1921 KARAYA POWDER STERILIZED 85GM
** 11703041	OS-SWEEN-2041-SWEEN-PREP-WIPES-BOX-OF-54
** 50008469	OS UNITED 1025 BONGORT SPECIAL PED DRAIN
** 50008468	OS UNITED 1044 MAX-E POUCH OPEN END HOR
** 50008467	OS UNITED 1075 BONGORT PF URIN DIVER PCH
** 50008466	OS UNITED 1076 BONGORT PF URIN DIVER PCH
** 50008465	OS UNITED 1085 SPEC ODOR-BARRIER DRAIN
** 50008464	OS UNITED 1802 COLOSET POUCH
** 50008463	OS UNITED 1805 COLOSET POUCH
** 50008462	OS UNITED 2453 HYPALON FACEPLACE COVER
** 50008461	OS UNITED 251X FEATHER-LITE VINYL POUCH
** 50008460	OS UNITED 256 FEATHER-LITE O-P ILEO PCH
** 50008459	OS UNITED 2564 FEATHER-LITE ODRPF ILEO
** 50008458	OS UNITED 2687 UNIVERSAL ADH GASKETS 3X4
** 50008457	OS UNITED 3006 FEATHER-LITE URINE POUCH
** 50008456	OS UNITED 3120 BEAD-O-RING

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.3600 OSTOMY SUPPLIES (Cont'd)

EMERGENCY

Item Number	Drug Name and Strength
** 50008455	OS UNITED 3135 HYPALON FACEPLATE CONVEX
** 50008454	OS UNITED 3206 FEATHER-LITE URINE POUCH
** 50008453	OS UNITED 3406 FEATHER-LITE URINE POUCH
** 50008452	OS UNITED 4000 SKIN-BOND CEMENT 4OZ
** 50008451	OS UNITED 4020 UNISOLVE ADH REMOVER 8 OZ
** 50008450	OS UNITED 4050 URI-KLEEN DEODOR DET 16 OZ
** 50008449	OS UNITED 4060 KARAYA GUM POWDER 2.5 OZ
** 50008448	OS UNITED 4120 BANISH LIQ DEODORANT 37ML
** 50008447	OS UNITED 4121 BANISH LIQ DEOD 237ML
** 50008446	OS UNITED 4202 SKIN-PREP AEROSOL 170GM
** 50008445	OS UNITED 4204 SKIN-PREP WIPES
** 50008444	OS UNITED 4305 SEAL-TITE GASKETS
** 50008443	OS UNITED 4412 TAIL CLOSURE ADULT
** 50008442	OS-UNITED-4430-UNIWASH-SKIN-CLEANSER
** 50008441	OS-UNITED-4435-UNIDERM-MOISTURIZER-3-OZ
** 50008440	OS-UNITED-4440-UNISALVE-ointment-2.47-OZ
** 50008438	OS UNITED 8150 UNITIP COLO IRRIG SET
** 50008437	OS UNITED 8152 COMB-TIP COLO IRRIG SET
** 50008436	OS UNITED 8404 CONVERT-A-POUCH SOFT FACE
** 50003652	OS WOUND DEODORIZER AND CLEANSER

(NOTE: FOR OSTOMY PATIENT USE ONLY)

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.3640 PARASITICIDAL: ANTHELMINTICS

EMERGENCY

Item Number	Drug Name and Strength
** 00049600	ANTHIMINTH-ORAL-SUSP
** 00054516	HETRAZAN TABLET 50MG
** 00063331	MINTEZOL SUSP 500MG/5CC
** 00060907	MINTEZOL TABLET-CHEWABLE 500MG
** 50001610	NICLOSAMIDE CHEWABLE TABLET 500MG
** 50001611	OXAMNIQUINE CAPSULE 250MG
** 60009953	PARASITIC INFECTION DRUGS NOT OTHERWISE LISTED-IF LAW REQUIRES RX
** 50004685	PIPERAZINE CITRATE SYRUP 100 MG/CC
** 50001612	PIPERAZINE CITRATE TABLET 250MG
** 50004669	PIPERAZINE CITRATE TABLET 500MG
** 50004677	PIPERAZINE CITRATE WAFER 500MG

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.3640 PARASITICIDAL: ANTHELMINTICS (Cont'd)

EMERGENCY

Item Number	Drug Name and Strength
** 00710747	POVAN TABLET 50MG
** 50001613	PRAZIQUANTEL TABLET 600MG
** 50004033	PYRANTEL PAMOATE SUSPENSION 144MG/ML (EQUIVALENT TO 50MG/ML PYRANTEL BASE)
** 00625530	VERMOX CHEWABLE TABLET 100MG

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

SECTION 141.3720 POTASSIUM

EMERGENCY

Item Number	Drug Name and Strength
** 50004917	POTASSIUM CHLORIDE INJECTION 10MEQ/5ML SYRINGE
** 50004919	POTASSIUM CHLORIDE INJECTION 20MEQ/10ML SYRINGE
** 50004918	POTASSIUM CHLORIDE INJECTION 20MEQ/10ML AMP
** 50004920	POTASSIUM CHLORIDE INJECTION 30MEQ/20ML SYRINGE
** 50004922	POTASSIUM CHLORIDE INJECTION 40MEQ/20ML SYRINGE
** 50004921	POTASSIUM CHLORIDE INJECTION 40MEQ/20ML AMP
** 50004762	POTASSIUM CHLORIDE ORAL LIQUID 5% GENERIC
** 50004763	POTASSIUM CHLORIDE ORAL LIQUID 10% GENERIC
** 50004764	POTASSIUM CHLORIDE ORAL LIQUID 20% GENERIC
** 50004720	POTASSIUM CHLORIDE SUSTAINED RELEASE CAPSULE/TABLET 500MG (6.7MEQ)
** 50004722	POTASSIUM CHLORIDE SUSTAINED RELEASE CAPSULE/TABLET 600MG (8MEQ)
** 50004724	POTASSIUM CHLORIDE SUSTAINED RELEASE CAPSULE/TABLET 750MG (10MEQ)
** 50004728	POTASSIUM CHLORIDE SUSTAINED RELEASE CAPSULE/TABLET 1500MG (20MEQ)
** 50004700	POTASSIUM CHLORIDE TAB/POWDER PKT 20MEQ
** 50004705	POTASSIUM CHLORIDE TAB/POWDER PKT 25MEQ
** 50004710	POTASSIUM CHLORIDE TAB/POWDER PKT 50MEQ

(Source: Emergency amendment at 15 Ill. Reg. 1121, effective January 15, 1991, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4240
EMERGENCYSKIN/MUCOUS MEMBRANE: ANTI-INFLAMMATORIES
(Cont'd)

Item Number	Drug Name and Strength
50004128	HYDROCORTISONE OINTMENT 1% 120GM
50004130	HYDROCORTISONE OINTMENT 1% 480GM
50004136	HYDROCORTISONE OINTMENT 1% 60GM
50004019	HYDROCORTISONE OINTMENT 2.5% 20GM
00321920	PROCTOCORT CREAM C APPLICATOR 30GM
00210690	PROCTOFOAM HC AEROSOL
50005713	TRIAMCINOLONE ACETONIDE CREAM 0.025% 15GM
50005715	TRIAMCINOLONE ACETONIDE CREAM 0.025% 80GM
50005717	TRIAMCINOLONE ACETONIDE CREAM 0.025% 454GM
50005704	TRIAMCINOLONE ACETONIDE CREAM 0.1% 15GM
50005705	TRIAMCINOLONE ACETONIDE CREAM 0.1% 80GM
50005719	TRIAMCINOLONE ACETONIDE CREAM 0.1% 454GM
50005706	TRIAMCINOLONE ACETONIDE CREAM 0.5% 15GM
50005721	TRIAMCINOLONE ACETONIDE OINTMENT 0.025% 15GM
50005723	TRIAMCINOLONE ACETONIDE OINTMENT 0.025% 80GM
50004360	TRIAMCINOLONE ACETONIDE OINTMENT 0.1% 15GM
50005707	TRIAMCINOLONE ACETONIDE OINTMENT 0.1% 80GM
50005708	TRIAMCINOLONE ACETONIDE OINTMENT 0.1% 454GM
50004380	TRIAMCINOLONE ACETONIDE OINTMENT 0.1% 454GM
50004390	TRIAMCINOLONE ACETONIDE OINTMENT 0.5% 15GM

(Source: Emergency amendment at 15 Ill. Reg. 1121,
effective January 15, 1991, for a maximum of 150 days)SECTION 141.4360 SKIN/MUCOUS MEMBRANE: DERMAL ULCERS
EMERGENCY

Item Number	Drug Name and Strength
G** 00030375	ACTIDERM DERMATOLOGICAL PATCH
G** 05580076	ALLEVYN POLYURETHANE FOAM DRESSING 4" X 4"
G** 05581076	ALLEVYN POLYURETHANE FOAM DRESSING 8" X 8"
G** 05140062	ASEPTIN SKIN CREAM 85GM
** 50003531	BALSAM PERU; CASTOR OIL; TRYPSIN 72.5MG;
** 50003533	650MG; 0.1MG/0.82ML AEROSOL 60GM
G** 08117404	BALSAM PERU; CASTOR OIL; TRYPSIN
G** 08117401	72.5MG; 650MG; 0.1MG/0.82ML AEROSOL 120GM
G** 08117402	BARD ABSORPTION DRESSING
	EASY PACK GEL 28.3GM PACKET
	BARD ABSORPTION DRESSING UNIT DOSE STERILE
	PACKETS
	BARD ABSORPTION DRESSING 3GM PACKET

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SECTION 141.4360
EMERGENCY

SKIN/MUCOUS MEMBRANE: DERMAL ULCERS (Cont'd)

Item Number	Drug Name and Strength
G** 08117403	BARD ABSORPTION DRESSING 6GM PACKET
G** 08117400	BARD ABSORPTION DRESSING 60GM
G** 08130024	BIOCLOSIVE DRESSING 2" X 3"
G** 08131024	BIOCLOSIVE DRESSING 4" X 5"
G** 08132024	BIOCLOSIVE DRESSING 4" X 10"
G** 08133024	BIOCLOSIVE DRESSING 5" X 7"
G** 08134024	BIOCLOSIVE DRESSING 8" X 10"
G** 05140502	BIOLX WOUND CLEANSER 180ML
G** 05141502	BIOLX WOUND CLEANSER 355ML
G** 05140552	BIOLX WOUND GEL 85ML
G** 08884001	BLISTERFILM TRANSPARENT DRESSING 2" X 3"
G** 08884019	BLISTERFILM TRANSPARENT DRESSING 3-1/2" X 4"
G** 08884027	BLISTERFILM TRANSPARENT DRESSING 5-1/2" X 6"
G** 10102060	CARA-KLENZ SPRAY 180ML
G** 10102160	CARA-KLENZ SPRAY 480ML
G** 10101005	CARRINGTON DERMAL WOUND GEL 15ML
G** 10101030	CARRINGTON DERMAL WOUND GEL 90ML
** 50000160	COLLAGENASE OINTMENT 250U/GM 15GM
** 50000161	COLLAGENASE OINTMENT 250U/GM 30GM
** 00160024	DEBRISAN 60GM
** 00161024	DEBRISAN 120GM
** 00162024	DEBRISAN 4GM PACKETS 7'S
** 00163024	DEBRISAN 4GM PACKETS 14'S
** 12815501	DECUBITEX OINTMENT 15GM
** 12816501	DECUBITEX OINTMENT 60GM
** 12814501	DECUBITEX OINTMENT 120GM
** 12814410	DECUBITEX POWDER 10GM
** 12814420	DECUBITEX POWDER 30GM
** 12814430	DECUBITEX POWDER 1GM 30'S
** 12814440	DECUBITEX POWDER 1GM 100'S
G** 02530126	DERMAGRAN OINTMENT 120GM
G** 02531126	DERMAGRAN OINTMENT 480GM
G** 02530127	DERMAGRAN SPRAY 120ML
G** 02531127	DERMAGRAN SPRAY 240ML
G** 02532127	DERMAGRAN SPRAY 3840ML
G** 00039879	DUODERM CGF EXTRA THIN DRESSING 4" X 4"
G** 00038879	DUODERM CGF EXTRA THIN DRESSING 6" X 6"
G** 00032876	DUODERM CGF STERILE DRESSING 4" X 4"
G** 00033876	DUODERM CGF STERILE DRESSING 6" X 6"
G** 00034876	DUODERM CGF STERILE DRESSING 8" X 8"
G** 00031879	DUODERM STERILE HYDROACTIVE PASTE 30GM
G** 00031876	DUODERM STERILE HYDROACTIVE DRESSING 4X4
G** 00031888	DUODERM STERILE HYDROACTIVE DRESSING 6X8

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4360 SKIN/MUCOUS MEMBRANE: DERMAL ULCERS (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
G** 00031986	DUODERM STERILE HYDROACTIVE DRESSING 8X8
G** 00031988	DUODERM STERILE HYDROACTIVE DRESSING 8X12
G** 00031877	DUODERM STERILE HYDROACTIVE GRANULES 4GM
** 00711255	ELASE FOR SOLUTION
** 00712221	ELASE OINTMENT 10GM SIZE
** 00711121	ELASE OINTMENT 30GM SIZE
** 00712124	ELASE/CHLOROMYCETIN OINTMENT 10GM SIZE
** 00711124	ELASE/CHLOROMYCETIN OINTMENT 30GM SIZE
G** 00885000	ENVISAN TREATMENT MULTIPACK
G** 00885001	ENVISAN TREATMENT PAD PACK
G** 08231619	EPI-LOCK PRIMARY DRESSING 4" X 36"
G** 08231620	EPI-LOCK PRIMARY DRESSING 4" X 4"
G** 08231621	EPI-LOCK PRIMARY DRESSING 4" X 8"
G** 08231622	EPI-LOCK PRIMARY DRESSING 6" X 8"
G** 08231623	EPI-LOCK PRIMARY DRESSING 8" X 12"
G** 08231618	EPI-LOCK PRIMARY DRESSING 22" X 36"
G** 08190203	FERRIS POLYMEX DOT DRESSING 2"
G** 08190503	FERRIS POLYMEX ROLL DRESSING 4" X 24"
G** 08190405	FERRIS POLYMEX STERILE DRESSING 4" X 5"
G** 08190606	FERRIS POLYMEX STERILE DRESSING 6" X 6"
G** 05580073	INTRASITE GEL INTERACTIVE HYDROGEL 25GM
G** 05580074	INTRASITE INTERACTIVE HYDROCOLLOID WOUND DRESSING 4" X 4"
G** 05582074	INTRASITE INTERACTIVE HYDROCOLLOID WOUND DRESSING 8" X 8"
G** 05551682	KALTOSTAT WOUND DRESSING 5.0CM X 5.0CM
G** 05552682	KALTOSTAT WOUND DRESSING 7.5CM X 12.0CM
G** 05553682	KALTOSTAT WOUND DRESSING 10.0CM X 20.0CM
G** 05554682	KALTOSTAT WOUND DRESSING 15.0CM X 25.0CM
G** 05551681	KALTOSTAT WOUND PACKING 2.0GM
G** 05465107	MESALT WOUND DRESSING 3/4" X 39"
G** 05465115	MESALT WOUND DRESSING 1-1/2" X 39"
G** 05465110	MESALT WOUND DRESSING 3" X 3"
G** 05465140	MESALT WOUND DRESSING 4" X 4"
G** 05551685	MITRAFLX WOUND DRESSING 4" X 4"
G** 05552685	MITRAFLX WOUND DRESSING 8" X 8"
G** 05580045	OPSITE TRANSPARENT WOUND DRESSING 2" X 3" (5CM X 7.5CM)
G** 05580042	OPSITE TRANSPARENT WOUND DRESSING 2" X 4" (5CM X 10CM)
G** 05580649	OPSITE TRANSPARENT WOUND DRESSING 5-1/2" X 4" (14CM X 10CM) 10/BOX

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4360 SKIN/MUCOUS MEMBRANE: DERMAL ULCERS (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
G** 05581694	OPSITE TRANSPARENT WOUND DRESSING 5-1/2" X 4" (14CM X 10CM) 50/BOX
G** 05582649	OPSITE TRANSPARENT WOUND DRESSING 5-1/2" X 20" (14CM X 50-3/4CM)
G** 05583649	OPSITE TRANSPARENT WOUND DRESSING 8" X 6" (20-1/3CM X 15CM)
G** 05586649	OPSITE TRANSPARENT WOUND DRESSING 10-1/4" X 8" (26CM X 20-1/3CM)
G** 05584649	OPSITE TRANSPARENT WOUND DRESSING 11" X 4" (28CM X 10CM)
G** 05585649	OPSITE TRANSPARENT WOUND DRESSING 11" X 6" (28CM X 15CM)
G** 05587649	OPSITE TRANSPARENT WOUND DRESSING 11" X 11-3/4" (28CM X 30CM)
G** 05588649	OPSITE TRANSPARENT WOUND DRESSING 11" X 17-3/4" (28CM X 45CM)
G** 08231251	OPTIPORE SPONGE
G** 08231212	SHUR-CLENS 100ML
G** 05140004	SORBSAN WOUND DRESSING 2" X 2"
G** 05142092	SORBSAN WOUND DRESSING 3" X 3"
G** 05140092	SORBSAN WOUND DRESSING 4" X 4"
G** 05140032	SORBSAN WOUND DRESSING 4" X 8"
G** 05140093	SORBSAN WOUND PACKING 2CM (12" OR 30CM)
G** 08231625	SYNTHADERM DRESSING 4" X 4"
G** 08231626	SYNTHADERM DRESSING 4" X 8"
G** 08231627	SYNTHADERM DRESSING 6" X 8"
G** 02121620	TEGADERM TRANSPARENT DRESSING #1620 FIRST AID STYLE 2-3/8" X 2-3/4"
G** 02121621	TEGADERM TRANSPARENT DRESSING #1621 FIRST AID STYLE 4" X 5-1/2"
G** 02121622	TEGADERM TRANSPARENT DRESSING #1622 FRAME STYLE 1-3/4" X 1-3/4"
G** 02121625	TEGADERM TRANSPARENT DRESSING #1625 FRAME STYLE 2-3/8" X 2-3/4"
G** 02121627	TEGADERM TRANSPARENT DRESSING #1627 FRAME STYLE 4" X 10"
G** 02121628	TEGADERM TRANSPARENT DRESSING #1628 FRAME STYLE 6" X 8"
G** 02121629	TEGADERM TRANSPARENT DRESSING #1629 FRAME STYLE 8" X 12"
G** 02121636	TEGADERM TRANSPARENT DRESSING #1636 FRAME POUCH STYLE 4" X 4-3/4"

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4360 SKIN/MUCOUS MEMBRANE: DERMAL ULCERS (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
G** 02121638	TEGADERM TRANSPARENT DRESSING #1638 POUCH STYLE 6" X 8"
G** 02121639	TEGADERM TRANSPARENT DRESSING #1639 POUCH STYLE 8" X 12"
G** 02129505	TEGADERM TRANSPARENT DRESSING #9505 FRAME STYLE 2-3/8" X 2-3/4"
G** 02129506	TEGADERM TRANSPARENT DRESSING #9506 FRAME STYLE 4" X 4-3/4"
G** 02120901	TEGASORB FLEXIBLE HYDROACTIVE DRESSING SMALL OVAL STERILE 4" X 4-3/4"
G** 02120902	TEGASORB FLEXIBLE HYDROACTIVE DRESSING SMALL SQUARE STERILE 4" X 4"
G** 02120903	TEGASORB FLEXIBLE HYDROACTIVE DRESSING MEDIUM OVAL STERILE 5" X 6"
G** 02120904	TEGASORB FLEXIBLE HYDROACTIVE DRESSING LARGE OVAL STERILE 6-1/2" X 7-7/8"
G** 02120905	TEGASORB FLEXIBLE HYDROACTIVE DRESSING LARGE SQUARE STERILE 6" X 6"
** 00481500	TRAVASE OINTMENT 14.2GM TUBE
G** 08885400	ULTEC HYDROCOLLOID DRESSING 4" X 4"
G** 08885800	ULTEC HYDROCOLLOID DRESSING 6" X 8"
G** 08882400	VIASORB WOUND DRESSING 3" X 8"
G** 08882104	VIASORB WOUND DRESSING 3" X 10"
G** 08882401	VIASORB WOUND DRESSING 4" X 6"
G** 08882005	VIASORB WOUND DRESSING 6" X 10"
G** 08882500	VIASORB WOUND DRESSING 7" X 7"
G** 08117410	VIGILON WOUND DRESSING 3" X 6" STERILE
G** 08117412	VIGILON WOUND DRESSING 3" X 8" STERILE
G** 08117416	VIGILON WOUND DRESSING 4" X 4" NON-ST
G** 08117411	VIGILON WOUND DRESSING 4" X 4" STERILE
G** 08117413	VIGILON WOUND DRESSING 6" X 8" STERILE
G** 08117414	VIGILON WOUND DRESSING 13" X 24" NON-ST

(Source: Emergency amendment at 15 Ill. Reg. 1121,
effective January 15, 1991, for a maximum of 150 days)

SECTION 141.4520 SKIN/MUCOUS MEMBRANE: LOCAL ANTI-INFECTIVES
EMERGENCY

Item Number	Drug Name and Strength
*** 50008106	ALCOHOL-ISOPROPYL 91% 480ML

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4520 SKIN/MUCOUS MEMBRANE: LOCAL ANTI-INFECTIVES
EMERGENCY (Cont'd)

Item Number	Drug Name and Strength
** 50002760	BENZOYL PEROXIDE GEL, WATER BASE 5.0% 57GM
** 50002762	BENZOYL PEROXIDE GEL, WATER BASE 5.0% 114GM
** 50002764	BENZOYL PEROXIDE GEL, WATER BASE 10.0% 57GM
** 50002766	BENZOYL PEROXIDE GEL, WATER BASE 10.0% 114GM
* 50002806	CHLORHEXIDINE GLUCONATE SOLN 4% 480ML
** 50001265	HEXACHLOROPHENE EMULSION 3% 150ML
** 50001267	HEXACHLOROPHENE EMULSION 3% 480ML
01370575	RETIN-A GEL 0.01% 15GM
01371575	RETIN-A GEL 0.01% 45GM
01370475	RETIN-A GEL 0.025% 15GM
01371475	RETIN-A GEL 0.025% 45GM
01370075	RETIN-A-11001B-0.05%-28ML
** 50000990	SILVER SULFADIAZINE CREAM 1.0% 20GM
** 50000992	SILVER SULFADIAZINE CREAM 1.0% 50GM
** 50000993	SILVER SULFADIAZINE CREAM 1.0% 85GM
** 50000994	SILVER SULFADIAZINE CREAM 1.0% 400GM

(Source: Emergency amendment at 15 Ill. Reg. 1121,
effective January 15, 1991, for a maximum of 150 days)

SECTION 141.4560 SKIN/MUCOUS MEMBRANE: MISCELLANEOUS
EMERGENCY

Item Number	Drug Name and Strength
** 50003991	ACYCLOVIR OINTMENT 5% 3GM
** 50003993	ACYCLOVIR OINTMENT 5% 15GM
** 50008362	CALAMINE LOTION 120ML
** 60009988	COMP PREP INCLUDING ANY CRUDE COAL TAR, LCD, SULFUR, SALICYLIC OR LACTIC ACID
** 00262422	DOMEBORO POWDER PACKET 2.2GM
** 00262411	DOMEBORO TABLET
01630518	ELDOPAQUE OINTMENT 15GM
50002392	POVIDONE-IODINE OINTMENT 10% 30GM
50002390	POVIDONE-IODINE SOLUTION 10%
50002394	POVIDONE-IODINE SURGICAL SCRUB 10%

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DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4560 SKIN/MUCOUS MEMBRANE: MISCELLANEOUS (Cont'd)
EMERGENCY

Item Number Drug Name and Strength

** 00660062 ZETAR EMULSION 30% 180ML
00660063 ZETAR SHAMPOO 180ML

(Source: Emergency amendment at 15 Ill. Reg. 1121,
effective January 15, 1991, for a maximum of 150 days)

SECTION 141.4680

UNCLASSIFIED

EMERGENCY

Item Number Drug Name and Strength

60009999 COMPOUNDED PRESCRIPTION (MUST BE COMPOUNDED
FROM ITEMS INCLUDED IN PROGRAM)
50002747 PENICILLAMINE TAB/CAP 125MG
50002748 PENICILLAMINE TAB/CAP 250MG
60009707 PRIOR APPROVAL - BASIC HEALTH COVERAGE
60009989 PRIOR APPROVAL - COMPOUNDED ITEM
60009898 PRIOR APPROVAL - DCFS CLIENT
60009700 PRIOR APPROVAL - EXCESSIVE QUANTITY
60009998 PRIOR APPROVAL - HYPERALIMENTATION
60009997 PRIOR APPROVAL - NON COVERED ITEM
50005601 SODIUM CHLORIDE INJ 50MEQ/20ML VIAL
50005602 SODIUM CHLORIDE INJ 100MEQ/40ML VIAL
50005604 SODIUM LACTATE INJECTION 50MEQ/20ML

(Source: Emergency amendment at 15 Ill. Reg. 1121,
effective January 15, 1991, for a maximum of 150 days)

DEPARTMENT OF CORRECTIONS

NOTICE OF REFUSAL TO MODIFY OR WITHDRAW PROPOSED AMENDMENTS
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: HEALTH CARE
- 2) Code Citation: 20 Ill. Adm. Code 415
- 3) Section Numbers: Action:
415.70 Refusal
- 4) Date Notice of Proposed Amendments Published in the Register:
September 21, 1990 14 Ill. Reg. 15228
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register:

December 28, 1990 14 Ill. Reg. 21107
(issue date)

6) Summary of Action Taken by the Agency:

The Department developed this rulemaking in response to the United States Supreme Court's decision in Washington v. Harper, 110 S. Ct. 1028 (1990). The issue in that case was whether a State could administer psychotropic medication against an inmate's will without a judicial proceeding and a judicial determination that the medication was appropriate.

The Supreme Court held that a judicial determination was not required, but that, as an inmate has a significant liberty interest in being free from unwanted psychotropic medication, he is entitled to some form of due process to avoid the arbitrary administration of medication. The Court then evaluated Washington's rule and found that, as a whole, Washington's standard and procedure satisfied due process requirements. The Court did not, however, find that every element present in Washington's procedure was necessary in order to provide due process, nor did the Court mandate that every other state adopt a duplicate of Washington's rule.

The objection to the Department's present rule is based on JCAR'S interpretation of the Harper decision to require that the committed person be present at the treatment review hearing regardless of the risk of serious danger his presence would pose to himself or others. The Department respectfully disagrees with this interpretation of the Harper decision. The Court did not specifically find that there was a right to be present at a treatment review hearing, nor did it find that any such right would be absolute, stripping prison administrators of the ability to take steps to protect the safety of inmates, prison employees, and the security of the facilities.

DEPARTMENT OF CORRECTIONS

DEPARTMENT OF CORRECTIONS

NOTICE OF REFUSAL TO MODIFY OR WITHDRAW PROPOSED AMENDMENTS
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF REFUSAL TO MODIFY OR WITHDRAW PROPOSED AMENDMENTS
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

An inmate has the right to be present throughout the ... hearing except during a period of deliberation or when institutional security would be jeopardized. The [hearing officer] must document in the record the reason(s) for excluding an inmate from the hearing. 28 CFR Chapter V Sec. 541.17 (d)

Indeed, the Court in Harper stated that the law is well established that the extent of the due process rights of prisoners must be viewed in light of the State's interest in protecting, to the extent possible, the safety of inmates and staff. Thus, the Court affirmed that no prisoner's due process rights are absolute. The standard that the Court used in evaluating the constitutional sufficiency of Washington's rule was the standard set forth in Turner v. Safley, 107 S.Ct. 2254 (1987) and O'Lone v. Estate of Shabazz, 107 S.Ct. 2400 (1987). In citing Turner and O'Lone, the Court stated:

The proper standard for determining the validity of a prison regulation claimed to infringe on an inmate's constitutional rights is to ask whether the regulation is "reasonably related to legitimate penological interests." Turner, supra, 482 U.S. at 89, S.Ct. 107 at 2262. This is true even when the constitutional right claimed to have been infringed is fundamental 110 S.Ct. at 1037.

The Department's proposed rule provides for the committed person's right to attend the hearing but specifically allows the Treatment Review Committee (composed of mental health professionals) to exclude the committed person from attending the hearing if his presence would "subject him to substantial risk of serious physical or emotional harm or pose a threat to the safety of others." Safety and security have consistently been held by the U.S. Supreme Court to be legitimate penological concerns. The Department cannot agree to a change which would require it to bring a mentally ill convicted felon to a hearing regardless of whether he is violent or assaultive or intent upon injuring someone. To do so would be in contravention of its duty to reasonably protect staff and inmates in its custody.

Even in the case of an unconvicted pretrial detainee, the Supreme Court has found that there is no absolute right to be present at one's own criminal trial. Illinois v. Allen, 90 S.Ct. 1057 (1970). While the New York Department of Corrections and the Federal Bureau of Prisons have not yet adopted rules providing enforced medication due process hearings, their rules governing an inmate's right to be present at a prison disciplinary hearing provide for exclusion of inmates similar to that specified in the Department's proposed rule:

The inmate shall be present at the [disciplinary] hearing unless he refuses to attend, or is excluded for reason of institutional safety or correctional goals. 7 NYCRR Sec. 253.6 (b)

In sum, the discretion of prison administrators to exclude inmates from administrative hearings when their presence would pose a significant threat of danger is clearly authorized under well-established constitutional principles. The State has an obligation to take necessary steps to protect the safety of inmates and staff and to maintain the security of correctional facilities. Nothing in the Harper decision restricts its ability to do so.

Although the Department appreciates JCAR'S concerns regarding the significance of an inmate's right to be present at a treatment review hearing, the Department respectfully disagrees with JCAR'S position that the proposed rule is in violation of case law as established by the Harper decision. In order to maintain the safety of staff and of those entrusted to its care, and in keeping with the long-standing principles established by the courts, the Department has no option but to retain its authority to exclude inmates from the treatment review hearings in limited circumstances as provided in the proposed rule.

Therefore, the Department respectfully declines to modify this rule.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

The Committee objected to the Department's emergency rulemaking on the basis that the emergency was created solely by the Department's failure to act in a timely manner to promulgate rules pursuant to Section 5.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.01).

The Department believes, however, that the expansion of its policy, through emergency rulemaking, to include mental health services to children and adolescents who are Department of Children and Family Services' wards is essential in order to prevent their unnecessary hospitalization and to provide them with timely intervention within their local communities. The Department believes that this service provision is in the best interest of the wards and of the State. For these reasons, the Department respectfully refuses to withdraw its emergency rulemaking.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) The Heading of the Part: Mental Health Clinic Program Standards and Provider Requirements

2) Code Citation: 59 Ill. Adm. Code 130

Section Numbers:	Action:
130.11	Refusal
130.20	Refusal
130.30	Refusal
130.40	Refusal
130.60	Refusal
130.70	Refusal
130.80	Refusal
130.90	Refusal
130.100	Refusal
130.110	Refusal
130.120	Refusal
130.130	Refusal
130.140	Refusal
130.150	Refusal
130.160	Refusal
130.170	Refusal
130.180	Refusal
130.190	Refusal
130.200	Refusal
130.210	Refusal
130.220	Refusal
130.230	Refusal
130.240	Refusal
130.250	Refusal
130. Table A	Refusal
130. Table B	Refusal

4) Date Notice of Emergency Rules Published in the Register:

November 2, 1990 14 Ill. Reg. 18100

5) Date JCAR Statement of Objection Published in the Register:

December 28, 1990 14 Ill. Reg. 21140

6) Summary of Action Taken by the Agency:

ILLINOIS RACING BOARD

NOTICE OF WITHDRAWAL OF PROPOSED RULEMAKING

- 1) The Heading of the Part: Regulations for Meetings
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Number: 1424.355

Action: Withdrawal

- 4) Date Notice of Proposed Amendments Published in the Register:

December 14, 1990 14 Ill. Reg. 19690

- 5) Summary of Action Taken by Agency:

On December 19, 1990, the Illinois Racing Board was advised by the Joint Committee on Administrative Rules that the context of Section 1424.355, as published in the Illinois Racing Board Rulebook, did not match the text of the version on file with the Administrative Code Division of the Secretary of State. The Illinois Racing Board determined that due to a typographical error during printing of the rulebook the two versions of the rule were not the same. The correct version of the rule was on file with the Administrative Code Division.

Due to the reasons listed above the Illinois Racing Board at this time formally withdraws the notice and text of the above referenced proposed rulemaking.

DEPARTMENT OF PUBLIC AID

NOTICE OF CORRECTIONS TO ADOPTED AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number:
140.569
- 4) Illinois Register citation to the Notice of Adopted Rulemaking:

November 26, 1990 (14 Ill. Reg. 18813)

- 5) The corrections listed below have been made to the file copy of the above named rules in order to bring them into agreement with the copy of the text as published in the Illinois Register:

Due to a miscommunication, a Second Notice for this rulemaking was not (re)filed with the Joint Committee on Administrative Rules prior to its adoption. The Department will submit a new Second Notice to the Joint Committee and file a Notice of Adoption forty-five days thereafter.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part:
Motor Carrier of Property Fitness Standards
- 2) Code citation: 92 Ill. Adm. Code 1304
- 3) Register Citation to Notice of Proposed Rules:
14 Ill. Reg. 19104; December 7, 1990
- 4) Date, Time and Location of Public Hearing:
February 26, 1991
10:00 A.M.
Illinois Commerce Commission
527 East Capitol Avenue
East Hearing Room
First Floor
Springfield, Illinois
March 1, 1990
10:00 A.M.
State of Illinois Center
100 West Randolph
Room 172
Ninth Floor
Chicago, Illinois
- 5) Other Pertinent Information
This proceeding will be accessible to the handicapped. Speakers will be limited to five minutes. The record will remain open until March 11, 1991 for the acceptance of additional written comments.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Applications
- 2) Code citation: 92 Ill. Adm. Code 1202
- 3) Register Citation to Notice of Proposed Rules:
14 Ill. Reg. 19094; December 7, 1990
- 4) Date, Time and Location of Public Hearing:
February 26, 1991
10:00 A.M.
Illinois Commerce Commission
527 East Capitol Avenue
East Hearing Room
First Floor
Springfield, Illinois
March 1, 1990
10:00 A.M.
State of Illinois Center
100 West Randolph
Room 172
Ninth Floor
Chicago, Illinois
- 5) Other Pertinent Information
This proceeding will be accessible to the handicapped. Speakers will be limited to five minutes. The record will remain open until March 11, 1991 for the acceptance of additional written comments.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
BY JOHNSON INTERNATIONAL, INC., RACINE,
WISCONSIN, TO ACQUIRE LAKE COUNTY BANK AND
TRUST COMPANY, LAKE FOREST, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1989, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Johnson International, Inc., 4041 North Main Street, Racine, Wisconsin 53402, to acquire Lake County Bank and Trust Company, 800 South Waukegan Road, Lake Forest, Illinois 60045.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Jerry D. Cavanaugh
Thomas W. Stephans
Commissioner of Banks and Trust Companies
Room 100 Reisch Building
117 South Fifth Street
Springfield, Illinois 62701

ILLINOIS DEPARTMENT OF THE LOTTERY

NOTICE OF PUBLIC INFORMATION

pursuant to the provisions of Ill. Rev. Stat. 1989 ch. 120, par. 1157.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1990.

"How to Play \$100,000 Fortune Hunt" instant game instructions
"How to Play Hoopla" instant game instructions
"How to Play Millionaire" instant game instructions
"How to Play Scratch Cash" instant game instructions
"How to Play Spondulix" instant game instructions
"How to Play Fast Money" instant game instructions
"How to Play Illinois Baseball" instant game instructions
"How to Play Megabucks" instant game instructions
"How to Play First 'n Ten" instant game instructions
"How to Play Holiday Cash" instant game instructions
"How to Play Lotto" game instructions
"How to Play little lotto" game instructions
"How to Play the Daily Game and Pick 4" game instructions
Departmental Directive #90-08: 1990 \$100,000 Fortune Hunt Sweepstakes
Departmental Directive #90-09: Special Game Designation: Fortune Hunt II
Departmental Directive #90-10: \$100,000 Fortune Hunt Bonus Play Procedure
Departmental Directive #90-11: little lotto Car Promotion
Departmental Directive #90-12: Special Game Designation: Fortune Hunt III
Departmental Directive #91-01: Lotto 6/54 Twice Weekly Drawings
Departmental Directive #91-03: Special Game Designation: Fortune Hunt IV
Departmental Directive #91-04: Designation of Substitute Players for Grand Prize Drawings
Departmental Directive #91-05: Holiday Promotion - 3 for a Million
Departmental Directive #91-06: Special Game Designation: Slam Dunk
Departmental Directive #91-07: Special Game Designation: Holiday Cash III
Departmental Directive #91-08: Michael Jordan Flipbook/Datebook - little lotto Promotion
Departmental Directive #91-09: 1991 \$100,000 Fortune Hunt Sweepstakes
Game Rules - Instant Game No. 59, "Millionaire"
Game Rules - Instant Game No. 60, "Scratch Cash"
Game Rules - Instant Game No. 61, "Fortune Hunt III"

- Game Rules - Instant Game No. 62, "Spondulix"
- Game Rules - Instant Game No. 63, "Fast Money"
- Game Rules - Instant Game No. 64, "Illinois Baseball"
- Game Rules - Instant Game No. 65, "Fortune Hunt III"
- Game Rules - Instant Game No. 66, "Megabucks"
- Game Rules - Instant Game No. 67, "Fortune Hunt IV"
- Game Rules - Instant Game No. 68, "First 'n Ten"
- Game Rules - Instant Game No. 69, "Holiday Cash III"
- Game Rules - Instant Game No. 70, "Instant Slots"
- Game Rules - Instant Game No. 71, "Beginner's Luck"
- Game Rules - Instant Game No. 72, "Slam Dunk"
- \$100,000 Fortune Hunt Game Show Procedures (Revised)
- \$100,000 Fortune Hunt Game Show Preliminary Drawing Procedures (Revised)
- \$100,000 Fortune Hunt Sweepstakes Official Rules (1990)
- \$100,000 Fortune Hunt Sweepstakes Official Rules (1991)
- \$1990 \$100,000 Fortune Hunt Sweepstakes Drawing Procedures
- Big Money Entry Ticket Preliminary Drawing Procedures
- Millionaire Entry Ticket Preliminary Drawing Procedures
- Spondulix Entry Ticket Preliminary Drawing Procedures
- "Big Money" Grand Prize Drawing Procedures
- "Millionaire" Grand Prize Drawing Procedures
- "Spondulix" Grand Prize Drawing Procedures
- 1990 little lotto Car Promo Drawing Procedures
- Lotto By Mail Brochure and Subscription Form
- "Lottery News" Releases: Finalist Lists for Big Money, Drawings Millionaire and Spondulix Instant Game Grand Prize Drawings
- Lotto and little lotto Winning Numbers

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer
Illinois Department of the Lottery
P. O. Box 19080
Springfield, Illinois 62794-9080

1. Statute requiring agency to publish this information in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1989, ch. 127, par. 2001 (Public Act 82-727, effective November 12, 1981)
2. Summary of information:

Index of Department of Revenue income tax letter rulings issued for the Third Quarter of 1990.

The ruling letters are listed numerically with a brief synopsis under the following subjects:

- | | |
|---|--|
| Addition Modifications | Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales) |
| Bond Premium Amortization | Business Income |
| Dividends | Capital Gains (Losses) |
| Interest | (Also See Subtraction Modifications - Valuation Limitation) |
| Net Operating Loss | Check Off Funds |
| Zero Coupon Bonds | Circuit Breaker |
| Other Rulings (not included above) | Claims for Refund: See Refunds |
| Administrative Review | Collection |
| Allocation | Combined Unitary Return |
| (For Alternative Allocation rulings, see that heading) | (Also See Unitary) |
| Alternative Allocation | Commercial Domicile |
| Amnesty | Compensation |
| Apportionment | Composite Returns |
| Financial Organizations | Confidentiality |
| Insurance Companies | Credits |
| Payroll Factor | Coal Research and |
| Property Factor | Utilization |
| Sales Factor | Credit for Replacement Tax Paid |
| Transportation Services | Enterprise Zone Investment |
| Other Rulings (not included above) | Foreign Tax |
| Assessment | High Impact Business Investment |
| Bankruptcy | Jobs Tax |
| Base Income | Replacement Tax Investment |
| (Also See Addition Modifications, Fringe Benefits, Subtraction Modifications) | Training Expense |
| Books and Records | |

NOTICE OF PUBLIC INFORMATION

Other Rulings (not included above)

Deficiencies

Definitions

Domestic International Sales Corporations (DISC's)

Elections: See Combined Unitary Return, Extensions, Unitary

Enterprise Zones (Also See Credits, Subtraction Modifications)

Erroneous Refund: See Refunds

Estates

Estimated Tax

Exempt Organizations

Exemptions

Extensions

Failure to File: See Penalties

Failure to Pay: See Penalties

Farmers: See Estimated Tax

Federal Returns

Fiduciaries

Financial Organizations: See Apportionment

Foreclosure

Foreign Sales Corporations (FSC's)

Foreign Tax: See Credits

Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax Forms

Fraud: See Penalties

Fringe Benefits

IRC §125 "Cafeteria" Plans

IRC §401(k) Plans

Other Rulings (not included above)

Gain (Loss): See Capital Gains (Losses), Valuation Limitation

Information Reports

Insurance Companies: See Apportionment

Interest Income

(Also See Addition Modifications, Subtraction Modifications)

Interest on Refunds and Deficiencies

IRC §338

Jeopardy: See Assessment

Judicial Review

Liens

Lottery

Military (Also See Subtraction Modifications)

Miscellaneous

Modification Addition: See Addition Modifications

Modification Subtraction: See Subtraction Modifications

Mutual Funds: See Subtraction Modifications

Net Income (Loss) and Net Loss Deduction (IITA §207)

(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction

Net Operating Loss and Net Operating Loss Deduction

Nexus: See Public Law 86-272/

Nexus

Nonbusiness Income

Nonresidents: See Residency/Nonresidency

Notice and Demand: See Notices

Notices

Overpayments: See Refunds

Partnerships

Payments:

(Also See Estimated Tax)

Payroll Factor: See Apportionment

Penalties

Failure to File (IITA §1001)

Failure to File Withholding Returns (IITA §1004)

(Also See Addition Modifications, Subtraction Modifications)

Interest on Refunds and Deficiencies

IRC §338

Jeopardy: See Assessment

Judicial Review

Liens

Lottery

Military (Also See Subtraction Modifications)

Miscellaneous

Modification Addition: See Addition Modifications

Modification Subtraction: See Subtraction Modifications

Mutual Funds: See Subtraction Modifications

Net Income (Loss) and Net Loss Deduction (IITA §207)

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Nexus

Nonbusiness Income

Nonresidents: See Residency/Nonresidency

Notice and Demand: See Notices

Notices

Overpayments: See Refunds

Partnerships

Payments:

(Also See Estimated Tax)

Payroll Factor: See Apportionment

Penalties

Failure to File (IITA §1001)

Failure to File Withholding Returns (IITA §1004)

NOTICE OF PUBLIC INFORMATION

Failure to Pay (IITA §1002)

Failure to Pay Estimated Tax (IITA §804)

Fraud (IITA §1002)

Reasonable Cause (IITA §1001)

Underpayment of Tax (IITA §1005)

Other Rulings (not included above)

Pensions (Also See Subtraction Modifications)

Political Organizations

Property Factor: See Apportionment

Property Tax: See Subtraction Modifications

Protest

Public Law 86-272/Nexus

Rate of Tax

Real Estate Investment Trusts

Reasonable Cause: See Penalties

Refunds (Also See Subtraction Modifications)

Statute of Limitations

Other Rulings (not included above)

Replacement Tax (Also See Credits)

Residency/Nonresidency Returns (For Combined Unitary Return and Composite Return rulings, see those headings)

Amended Returns

Due Dates

Requirements to File Short Period Returns

Other Rulings (not included above)

S Corporations

Sales Factor: See Apportionment

Sales Outside the Ordinary Course of Business (Bulk Sales)

Seizure

Separate Accounting: See Alternative Allocation

Signature

Specific Accounting

Statute of Limitations: See Assessment, Collections, Deficiencies, Refunds

Subchapter (S) Corporations: See S Corporations

Subpart F Income: See Subtraction Modifications

Subtraction Modifications

Enterprise and Foreign Trade Zones

Illinois Tax Refund

Interest on U.S. Government Obligations

Military

Money Market Mutual Funds

Qualified Pension Plans

Real Estate Taxes

Subpart F Income

Valuation Limitation

Other Rulings (not included above)

Taxability in Other States

Taxable Year

Transferees (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))

Transportation Services: See Apportionment

Trusts

Unitary (Also See Combined Unitary Return)

U.S. Government Obligations: See Subtraction Modifications

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Valuation Limitation: See
 Subtraction Modifications
 Voluntary Disclosure
 Agreements
 Waiver on Assessments: See
 Assessment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts
 (IITA §708)
 Reciprocal Agreements
 Other Rulings
 (not included above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of income tax letter rulings (all four quarters) is available for \$4.50 (this price includes both income tax and sales tax).

3. Name and address of person to contact concerning this information:

Margaret Forth
 Legal Division
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

1990 THIRD QUARTER SUNSHINE INDEX

ADDITION MODIFICATIONS - INTEREST

IT 90-230 09/17/90 Questionnaire regarding Illinois taxation of dividends derived from interest on federal and state obligations, capital gains, and contributions to Keogh plans, IRA's, §403(b) annuity and custodial accounts.

ADMINISTRATIVE REVIEW

IT 90-181 09/06/90 The Income Tax Legal Division generally does not issue letter rulings regarding the existence of unitary business group status. If at the conclusion of the audit the taxpayers disagree with the findings, they should file a protest in accordance with §908 of the IITA after issuance of any Notice of Deficiency and request a hearing or conference with the Hearings Division.

ALLOCATION

(For Alternative Allocation rulings, see that heading)

IT 90-207 08/24/90 A federal net operating loss carried to a year in which the taxpayer is a part-year resident of Illinois may be allocated entirely to Illinois in the part-year resident year when there is a factual connection to the part-year resident year. A factual connection will be considered to exist if the taxpayer's business that generated the loss was transacting business in Illinois during any part of the carryforward year. If, on the otherhand, there is no factual connection to the part-year resident year (i.e. the taxpayer is not a partner in the Illinois rental real estate partnerships in 1989), a pro rata allocation would be used to apportion the net operating loss between the resident and nonresident portions of the carryforward year.

IT 90-222 09/11/90 It appears that you have subjected yourself to Missouri income taxation by working in Missouri.

ALTERNATIVE ALLOCATION

IT 90-204 08/15/90 Discusses the procedure to follow to request use of an apportionment formula other than the statutory method.

1990 THIRD QUARTER SUNSHINE INDEX

APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 90-212

08/28/90 In order to constitute a "finance subsidiary," the primary purpose of the company must be to finance the operations of its parent.

IT 90-218

09/04/90 The Department has determined that a subsidiary the primary purpose of which is to finance corporate acquisitions, either for itself, or its Parent is an investment company, and therefore a financial organization under IITA §1501(a)(8). The Department is of the opinion that the providing of long term financing for corporate acquisition is an investment function, but the providing for product development (business expansion) is not the function of an "investment company" within the meaning of a "financing organization" as defined in IITA §1501(a)(8). If, sometime in the future, substantial sums -- either income, dividends, or capital, are paid by the subsidiary to the Parent for a purpose other than a corporate acquisition, the subsidiary may no longer be considered an "investment company" within the meaning of IITA §1501(a)(8).

APPORTIONMENT - PAYROLL FACTOR

IT 90-185

07/19/90 State Business Taxation Questionnaire concerning manufacturing operations.

APPORTIONMENT - PROPERTY FACTOR

IT 90-185

07/19/90 State Business Taxation Questionnaire concerning manufacturing operations.

APPORTIONMENT - SALES FACTOR

IT 90-185

07/19/90 State Business Taxation Questionnaire concerning manufacturing operations.

IT 90-200

08/02/90 As a general rule, assuming the seller is not taxable (has no nexus) in the state from which shipment is made (Illinois in this case), the property in a drop shipment sale would not constitute an Illinois sale and would not subject the seller to Illinois taxation.

1990 THIRD QUARTER SUNSHINE INDEX

IT 90-233

09/19/90 Discusses the Illinois income taxation of an intangible asset considered to be in the nature of goodwill.

APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 90-232

09/18/90 IITA §304(a) provides that the denominator of the fraction be reduced when one of the factors is zero.

BASE INCOME

(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)

IT 90-185

07/19/90 State Business Taxation Questionnaire concerning manufacturing operations.

IT 90-197

07/31/90 Discusses the Illinois income taxation of income earned by a Chinese resident who is in the United States teaching, lecturing or doing research.

IT 90-216

08/31/90 We are unable to render a ruling that the foreign government would not be subject to Illinois income tax or personal property replacement tax or that the foreign government was not subject to the Illinois income tax or personal property replacement tax based on its ownership of Illinois real property prior to the effective date of the enactment of the Tax Reform Act of 1986.

IT 90-234

09/21/90 Assuming that excluded foreign-earned income is your only source of income during a taxable year, you will have no Illinois income tax liability. This will preclude you from having to file an Illinois income tax return under the standards of IITA §502(a).

BOOKS AND RECORDS

IT 90-220

09/11/90 Quoted statutes are authority for the Department to require corporations headquartered out of the state to furnish evidence upon audit, even though corporate records are kept out of state.

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

1990 THIRD QUARTER SUNSHINE INDEX

CAPITAL GAINS (LOSSES)

(Also See Subtraction Modifications - Valuation Limitation)

IT 90-230

09/17/90 Questionnaire regarding Illinois taxation of dividends derived from interest on federal and state obligations, capital gains, and contributions to Keogh plans, IRA's, §401 plans and §403(b) annuity and custodial accounts.

COMBINED UNITARY RETURN

(Also See Unitary)

IT 90-188

07/26/90 The facts described in your correspondence are adequate to support the conclusion that the three taxpayers contemplated in your scenario would constitute a unitary business group. If all three members of the aforementioned unitary business group were eligible to, and did, make the election to file an Illinois combined return, the federally deferred intercompany gain would be excluded from the group's combined income until recognized on a federal consolidated return.

COMPENSATION

IT 90-187

07/23/90 Response to Special Compensation Questionnaire.

CONFIDENTIALITY

IT 90-182

07/06/90 IITA §917(a) prohibits the Department from furnishing the information you seek, unless served with a court order.

IT 90-186

07/23/90 IITA §917 prohibits the Department from furnishing the information you seek unless served with a court order.

IT 90-231

09/17/90 Confidentiality statutes preclude the Department from furnishing your agency with open ended access to information regarding this taxpayer. In order to obtain information regarding this taxpayer for one or more specific taxable years, it will be necessary for the taxpayer to complete the enclosed Form IL-4506 for the taxable year or years for which the information is sought.

DEPARTMENT OF REVENUE

1990 THIRD QUARTER SUNSHINE INDEX

CREDITS - ENTERPRISE ZONE INVESTMENT

IT 90-184

07/18/90 Because the property was not acquired by "purchase" as defined in IRC §179(d), the taxpayer is not eligible for either the Replacement Tax Investment Credit or the Enterprise Zone Investment Credit.

IT 90-205

05/15/90 As the two credits are allowed against different tax liabilities (the §201(e) credit against a replacement tax liability and the §201(f) credit against an income tax liability), a taxpayer engaged in manufacturing, in mining coal or fluo-rite, or in retailing and that uses the qualified property in an enterprise zone is eligible for both credits.

CREDITS - REPLACEMENT TAX INVESTMENT

IT 90-184

07/18/90 Because the property was not acquired by "purchase" as defined in IRC §179(d), the taxpayer is not eligible for either the Replacement Tax Investment Credit or the Enterprise Zone Investment Credit.

IT 90-205

05/15/90 As the two credits are allowed against different tax liabilities (the §201(e) credit against a replacement tax liability), a taxpayer engaged in manufacturing, in mining coal or fluo-rite, or in retailing and that uses the qualified property in an enterprise zone is eligible for both credits.

CREDITS - RESEARCH AND DEVELOPMENT

IT 90-193

07/27/90 Discusses the new Illinois research and development credit.

CREDITS - TRAINING EXPENSE

IT 90-199

08/02/90 Discusses whether or not three different types of training qualify for the credit.

DEPARTMENT OF REVENUE

1990 THIRD QUARTER SUNSHINE INDEX

DEPARTMENT OF REVENUE

1990 THIRD QUARTER SUNSHINE INDEX

CREDITS - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 90-185 07/29/90 State Business Taxation Questionnaire concerning manufacturing operations.

DEFINITIONS

IT 90-227 09/13/90 86 Ill. Adm. Code §100.9000(c)(2)(A) requires that Puerto Rico is not to be included as a part of the "United States" as that phrase is used in IITA §1501(a)(27).

ESTIMATED TAX

IT 90-211 08/28/90 Estimated tax payments have been required since the Illinois Income Tax Act was imposed in 1969 by P.A. 76-261 (Senate Bill 1150).

IT 90-217

09/04/90 The IL-801 "worksheet" was not approved by the Legal Division and the Legal Division believes the worksheet to be inappropriate.

EXEMPT ORGANIZATIONS

IT 90-195 07/30/90 An organization whose income is exempt from federal income tax by reason of IRC §501(a) is subject to Illinois income tax only on its unrelated business taxable income, as determined under IRC §501(a).

IT 90-203

08/15/90 Under §205(a) of the IITA, an organization that is exempt from federal income tax by reason of §501(a) of the IRC is also, without application to this Department, exempt from Illinois income taxation except to the extent that it has unrelated business taxable income determined under IRC §512 and is required to file a federal Form 990-T.

IT 90-209

08/27/90 Under §205(a) of the IITA an organization that is exempt from federal income tax by reason of §501(a) of the IRC is also, without application to this Department, exempt from Illinois income taxation except to the extent that it has unrelated business taxable income determined under IRC §512.

FEDERAL RETURNS

IT 90-216 08/31/90 We are unable to render a ruling that the foreign government would not be subject to Illinois income tax or personal property replacement tax or that the foreign government was not subject to the Illinois income tax or personal property replacement tax based on its ownership of Illinois real property prior to the effective date of the enactment of the Tax Reform Act of 1986.

IT 90-234

09/21/90 Assuming that excluded foreign-earned income is your only source of income during a taxable year, you will have no Illinois income tax liability. This will preclude you from having to file an Illinois income tax return under the standards of IITA §502(a).

FORMS

IT 90-208

08/27/90 A completed Small Estate Affidavit is required to support the release of decedents' Illinois tax records pursuant to the filing of Form IL-4506.

IT 90-213

08/28/90 Regardless that the NUC-20 letter failed to include the IL-1041 in its list of tax forms, a trust filing Form IL-1041 is required to file Form NUC-1. [Corrected by Letter Ruling IT 90-224 of Sept. 12, 1990.]

IT 90-217

09/04/90 The IL-801 "worksheet" was not approved by the Legal Division and the Legal Division believes the worksheet to be inappropriate.

FRINGE BENEFITS - IRC §401(k) PLANS

IT 90-191

07/27/90 Illinois not only recognizes the federal treatment of employee contributions to a §401(k) plan, but also provides the employee with a deduction from the Illinois income tax base for amounts received as distributions from such plans. Taxable wages for Illinois withholding would be those wages calculated after appropriate reductions for any IRC §401(k) deferred compensation plan.

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MISCELLANEOUS

INFORMATION REPORTS

IT 90-189 07/26/90 Illinois has no informational reporting requirements other than for certain payments of rents and royalties, certain payments for personal service contracts, and certain payments for prizes and awards.

INTEREST ON REFUNDS AND DEFICIENCIES

IT 90-214 08/29/90 There is no provision in the IITA to waive statutory interest. With regard to the request that penalties not be assessed, IITA §804 (Failure to Pay Estimated Tax), §1001 (Failure to File Tax Returns) and §1005 (Penalty for Underpayment of Tax) penalties all may be waived for reasonable cause.

IRC SECTION 338

IT 90-183 07/17/90 Letter ruling IT 89-241 addresses IRC §338(h)(10) elections.

LOTTERY

IT 90-198 08/02/90 Illinois Income Tax §1501(a)(16) was amended to provide that partnerships established for the sole purpose of playing the Illinois State Lottery are not subject to the Illinois Personal Property Tax Replacement Income Tax (replacement tax) imposed at IITA §201(c).

IT 90-201 08/02/90 Since, by virtue of Lottery Regulation §177.200(d), prize payment warrants may be made out to only a single payee, individual Form IL-W-2G's showing each member's share of the Illinois income tax withheld were not issued.

IT 90-236 09/26/90 The Illinois State Lottery was required to withhold 3% of the winnings. The conclusion that an organization, even a nonprofit organization, is subject to having income tax withheld, is consistent with a similar requirement in the IRC.

IT 90-208 08/27/90 A completed Small Estate Affidavit is required to support the release of decedents' Illinois tax records pursuant to the filing of Form IL-4506.

IT 90-210 08/28/90 Under either the present language of the above referenced statutes or before the amendatory language of P.A. 86-458, the Department is precluded from authorizing the issue of replacement warrants for the warrants about which you inquire.

IT 90-216 08/31/90 We are unable to render a ruling that the foreign government would not be subject to Illinois income tax or personal property replacement tax or that the foreign government was not subject to the Illinois income tax or personal property replacement tax based on its ownership of Illinois real property prior to the effective date of the enactment of the Tax Reform Act of 1986.

IT 90-217 09/04/90 The IL-801 "worksheets" was not approved by the Legal Division and the Legal Division believes the worksheet to be inappropriate.

IT 90-222 09/11/90 It appears that you have subjected yourself to Missouri income taxation by working in Missouri.

IT 90-229 09/17/90 Questionnaire regarding Illinois income taxation of individuals.

IT 90-233 09/19/90 Discusses the Illinois income taxation of an intangible asset considered to be in the nature of goodwill.

IT 90-235 09/25/90 Reviewed the Illinois section of "All States Income Tax Guide."

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 90-207 08/24/90 A federal net operating loss carried to a year in which the taxpayer is a part-year resident

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of Illinois may be allocated entirely to Illinois in the part-year resident year when there is a factual connection to the part-year resident year. A factual connection will be considered to exist if the taxpayer's business in Illinois during any part of the carryforward year. If, on the otherhand, there is no factual connection to the part-year resident year (i.e. the taxpayer is not a partner in the Illinois rental real estate partnerships in 1989), a pro rata allocation would be used to apportion the net operating loss between the resident and nonresident portions of the carryforward year.

PENALTIES - FAILURE TO FILE (IITA §1001)

IT 90-214

08/29/90 There is no provision in the IITA to waive statutory interest. With regard to the request that penalties not be assessed, IITA §804 (Failure to Pay Estimated Tax), §1001 (Failure to File Tax Returns) and §1005 (Penalty for Underpayment of Tax) penalties all may be waived for reasonable cause.

PENALTIES - FAILURE TO PAY ESTIMATED TAX (IITA §804)

IT 90-214

08/29/90 There is no provision in the IITA to waive statutory interest. With regard to the request that penalties not be assessed, IITA §804 (Failure to Pay Estimated Tax), §1001 (Failure to File Tax Returns) and §1005 (Penalty for Underpayment of Tax) penalties all may be waived for reasonable cause.

PENALTIES - UNDERPAYMENT OF TAX (IITA §1005)

IT 90-214

08/29/90 There is no provision in the IITA to waive statutory interest. With regard to the request that penalties not be assessed, IITA §804 (Failure to Pay Estimated Tax), §1001 (Failure to File Tax Returns) and §1005 (Penalty for Underpayment of Tax) penalties all may be waived for reasonable cause.

IT 90-215

08/30/90 We are of the opinion that a difference of opinion between a taxpayer and the taxing body regarding the tax treatment of a particular item of

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income does not constitute reasonable cause. We are, therefore, constrained to deny the taxpayer's request to waive the §1005 penalty due to reasonable cause.

PENSIONS

(Also See Subtraction Modifications)

IT 90-228

09/17/90 To the extent an individual's pension or other retirement income is allocable to the State of Illinois, it may be deducted by that individual. To the extent such income is not allocable to the State of Illinois, it will similarly not be taxed by the State of Illinois. No pension or annuity distributions from a federally taxed qualified retirement plan are taxable in the State of Illinois, regardless of the residence of recipient or the state of origin of the plan.

PUBLIC LAW 86-272/NEXUS

IT 90-185

07/19/90 State Business Taxation Questionnaire concerning manufacturing operations.

IT 90-219

09/07/90 Fact that the District Manager and the Field Engineer deal with the retailers (including those in Illinois) in a "support, training and liaison function" is activity beyond what is protected by P.L. 86-272, and would subject your client to Illinois corporate income taxation.

REFUNDS - OTHER RULINGS (NOT INCLUDED ABOVE)
(Also See Subtraction Modifications)

IT 90-210

08/28/90 Under either the present language of the above referenced statutes or before the amendatory language of P.A. 86-458, the Department is precluded from authorizing the issue of replacement warrants for the warrants about which you inquire.

RETURNS - REQUIREMENTS TO FILE

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 90-225

09/12/90 A common trust fund that meets the statutory definition of §584 of the IRC is not required to file tax returns under §205(e) of the IITA.

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fund investing in obligations which are exempt from state taxation pursuant to federal statutes may also be subtracted from adjusted gross income in determining Illinois base income. A distribution from a mutual fund which invests in other mutual funds which invest in U.S. government obligations would qualify for the Illinois subtraction modification.

09/17/90 Questionnaire regarding Illinois taxation of dividends derived from interest on federal and state obligations, capital gains, and contributions to Keogh plans, IRA's, §401 plans and §403(b) annuity and custodial accounts.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

07/27/90 The Michigan v. Davis decision does not affect Illinois because Illinois does not tax qualified pensions nor does it subject them to withholding.

07/17/90 To the extent an individual's pension or other retirement income is allocable to the State of Illinois, it may be deducted by that individual. To the extent such income is not allocable to the State of Illinois, it will similarly not be taxed by the State of Illinois. No pension or annuity distributions from a federally taxed qualified retirement plan are taxable in the State of Illinois, regardless of the residence of recipient or the state of origin of the plan.

09/17/90 Questionnaire regarding Illinois taxation of dividends derived from interest on federal and state obligations, capital gains, and contributions to Keogh plans, IRA's, §401 plans and §403(b) annuity and custodial accounts.

SUBTRACTION MODIFICATIONS - OTHER RULINGS (NOT INCLUDED ABOVE)

09/11/90 Since guaranteed payments are a non-pass-through addition modification on the Illinois return, they are not a proper item to be deducted at Line 5d.

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09/21/90 Assuming that excluded foreign-earned income is your only source of income during a taxable year, you will have no Illinois income tax liability. This will preclude you from having to file an Illinois income tax return under the standards of IITA §502(a).

S CORPORATIONS

07/19/90 State Business Taxation Questionnaire concerning manufacturing operations.

SPECIFIC ACCOUNTING

07/31/90 With regard to making the specific accounting election, IITA §202.3(b) and §202.4(b) provide that the election is irrevocable. However, if an election was based on erroneous information from the Department, the taxpayer may want to petition the Board of Appeals for relief.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. GOVERNMENT OBLIGATIONS

07/27/90 Interest received on notes and bonds issued by the Illinois Housing Development Authority is exempt from Illinois income taxation pursuant to Ill. Rev. Stats., 1989, Ch. 67½, 331.

07/27/90 Discusses the Department's position with regard to distributions received from mutual funds investing exclusively or partially in U.S. government obligations and with regard to repurchase agreements.

09/17/90 Questionnaire regarding Illinois taxation of dividends derived from interest on federal and state obligations, capital gains, and contributions to Keogh plans, IRA's, §401 plans and §403(b) annuity and custodial accounts.

SUBTRACTION MODIFICATIONS - MONEY MARKET MUTUAL FUNDS

08/23/90 Distributions received from mutual funds investing exclusively or partially in U.S. government obligations are exempt from Illinois income taxation. Dividend income received from a mutual

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TRUSTS

IT 90-213

08/28/90 Regardless that the NUC-20 letter failed to include the IL-1041 in its list of tax forms, a trust filing Form IL-1041 is required to file Form NUC-1. [Corrected by Letter Ruling IT 90-224 of Sept. 12, 1990.]

IT 90-224

09/12/90 [Corrects Letter Ruling IT 90-213 of August 28, 1990.] Pursuant to the revised instructions, a trust would only need to file Form NUC-1 if the trust has employees for which it is required to register as a withholding agent by completing Section 4 (as well as other appropriate sections). Consequently, a trust is not required to file Form NUC-1 merely because Form IL-1041 is filed.

IT 90-225

09/12/90 A common trust fund that meets the statutory definition of §584 of the IRC is not required to file tax returns under §205(e) of the IITA.

UNITARY

(Also See Combined Unitary Return)

IT 90-185

07/17/90 State Business Taxation Questionnaire concerning manufacturing operations.

IT 90-181

07/06/90 The Income Tax Legal Division generally does not issue letter rulings regarding the existence of unitary business group status. If at the conclusion of the audit the taxpayers disagree with the findings, they should file a protest in accordance with §908 of the IITA after issuance of any Notice of Deficiency and request a hearing or conference with the Hearings Division.

IT 90-188

07/26/90 The facts described in your correspondence are adequate to support the conclusion that the three taxpayers contemplated in your scenario would constitute a unitary business group. If all three members of the aforementioned unitary business group were eligible to, and did, make the election to file an Illinois combined return, the federally deferred intercompany gain would be excluded from the group's combined income until recognized on a federal consolidated return.

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IT 90-227

09/13/90 86 Ill. Adm. Code §100.9000(c)(2)(A) requires that Puerto Rico is not to be included as a part of the "United States" as that phrase is used in IITA §1501(a)(27).

VOLUNTARY DISCLOSURE AGREEMENTS

IT 90-202

A Voluntary Disclosure is a notification to the Department by a taxpayer or his representative prior to the Department opening an audit or investigation file that the taxpayer has failed to file returns or has filed erroneous returns in the past.

WITHHOLDING - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 90-221

09/11/90 No Illinois withholding is required on interest and dividends or on payments for which back-up withholding is required under federal law.

IT 90-226

09/13/90 IITA §701 required that every employer maintaining an office or transacting business in Illinois and that is required to withhold federal income tax, also withhold Illinois income tax on "compensation paid in Illinois" or on payments to Illinois residents. The tests for determining what constitutes "compensation paid in Illinois" are set forth at IITA §304(a)(2)(B), and IIT Reg. §100.3400. All of the tests require some degree of employee services to be performed in Illinois.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the week of January 7, 1991 through January 11, 1991, and have been scheduled for review by the Committee at its February 21, 1991 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its February meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
2/21/91	Department of Corrections, Impact Incarceration Program (20 Ill. Adm. Code 460)	11/16/90 14 Ill. Reg. 18421	February 21, 1991
2/21/91	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	5/25/90 14 Ill. Reg. 7834	February 21, 1991
2/21/91	Department of Commerce and Community Affairs, Rural Diversification Program (14 Ill. Adm. Code 640)	8/24/90 14 Ill. Reg. 13391	February 21, 1991
2/25/91	Department of Conservation, Illinois Bicycle Path Grant Program (17 Ill. Adm. Code 3040)	11/16/90 14 Ill. Reg. 18380	February 21, 1991
2/25/91	Department of Conservation, Boat Access Area Construction Program (17 Ill. Adm. Code 3035)	11/16/90 14 Ill. Reg. 18365	February 21, 1991
2/25/91	Department of Conservation, Nuisance Wildlife Control Permits (17 Ill. Adm. Code 525)	11/16/90 14 Ill. Reg. 18397	February 21, 1991
2/25/91	Department of Conservation, The Taking of Wild Turkeys - Spring Season (17 Ill. Adm. Code 710)	11/16/90 14 Ill. Reg. 18409	February 21, 1991
2/25/91	Department of Public Health, Emergency Medical Services Code (77 Ill. Adm. Code 535)	10/5/90 14 Ill. Reg. 16237	February 21, 1991

PROCLAMATION

91-001
JAYCEE WEEK

Whereas, the Springfield Jaycees have been a vital part of the development of young leaders for the community of Springfield, Illinois, for more than 50 years; and
Whereas, the organization has contributed to the betterment of its community through involvement in such programs as CPR certification and Operation Sandbox; and
Whereas, the United States Jaycees and the affiliated state and local organizations have set aside a week in January to observe the work the Jaycees have completed for over 70 years; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 19-26, 1991, as JAYCEE WEEK in Illinois and urge all citizens to recognize the efforts and services of the Springfield Jaycees.

Issued by the Governor January 7, 1991.
Filed with the Secretary of State January 14, 1991.

91-002
LARRY KINSELLA RECOGNIZED

Whereas, Larry Kinsella is a member of the South Suburban Residential Contractors Association and served as its president in 1981 and 1982; and
Whereas, he is a member of the Home Builders Association of Home Builders and has served as a national representative from Illinois since 1988; and

Whereas, he has been elected chairman of the National Representatives of the National Association of Home Builders for 1991; Therefore, I, James R. Thompson, Governor of the State of Illinois, recognize LARRY KINSELLA on his achievements and contributions in the professional home building industry of our state and our nation.

Issued by the Governor January 7, 1991.
Filed with the Secretary of State January 14, 1991.

91-003
MARGARET E. MAILLIARD DAY

Whereas, Margaret E. Mailliard was the first principal of Overton Elementary School in Chicago's inner city; and
Whereas, Margaret E. Mailliard devoted 11 years of outstanding service as an administrator and supervisor, during which time she promoted high academic standards among students at Overton; and

Whereas, during Margaret E. Mailliard's administration, Overton was the number one school in the district and earned first place in the district science fair for many years; and

Whereas, Margaret E. Mailliard tutored and trained teachers, teacher aides, and community members to help them advance in current positions and improve the quality of education;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 11, 1991, as MARGARET E. MAILLIARD DAY in Illinois in recognition of her efforts and achievements and improving the quality of education.

Issued by the Governor January 7, 1991.
Filed with the Secretary of State January 14, 1991.

91-004

VETERINARY MEDICAL EDUCATION WEEK

Whereas, activities of the veterinary medical profession benefit every person in the state, either directly or indirectly; and

Whereas, the veterinary medical profession is concerned with education, research, and disease control in both humans and animals. The profession serves citizens through private practice and many health-related programs; and

Whereas, the University of Illinois student chapter of the Veterinary Medical Association is sponsoring the annual Veterinary Medical Education Week March 30-April 6; and

Whereas, the event culminates with an open house at the College of Veterinary Medicine on the Champaign-Urbana campus;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 30-April 6, 1991, as VETERINARY MEDICAL EDUCATION WEEK in Illinois and urge citizens to learn more about veterinary animal disease control, eradication programs, and other services that contribute to our health and welfare.

Issued by the Governor January 7, 1991.
Filed with the Secretary of State January 14, 1991.

91-005

CHARLES A. DAVIS RECOGNIZED

Whereas, Charles A. Davis is a highly respected businessman involved in economic development throughout the Chicago metropolitan area. He formed Charles A. Davis & Associates in 1959, which specializes in public relations and minority affairs consulting; and

Whereas, his other business involvements include serving as president of Inner City Industries, Inc.; director of Highland Community Bank; vice president of Highland Community Company; and general partner for various business partnerships;

Whereas, for 23 years Charles A. Davis served as the executive director of the National Insurance Association, a trade

group of 37 black-owned life insurance firms; and

Whereas, Charles A. Davis currently serves as chairman of the Cosmopolitan Chamber of Commerce; director of Great Books Foundation; director of Chicago Region National Council of Christians and Jews; president of Greater Englewood Local Development Company; and is a member of numerous organizations; and

Whereas, Charles A. Davis will be honored as "Chicagoan of the Year" at a fund-raiser sponsored by Frontiers International, Inc. Proceeds will benefit both the DuSable Museum and The Neighborhood Institute;

Therefore, I, James R. Thompson, Governor of the State of Illinois, recognize CHARLES A. DAVIS on his many accomplishments and contributions to the business community and congratulate him for earning the "Chicagoan of the Year" award.

Issued by the Governor January 10, 1991.
Filed with the Secretary of State January 14, 1991.

91-006

POST ANESTHESIA NURSE AWARENESS WEEK

Whereas, nurses are required to know a staggering amount of information in medical, technological, and educational areas, prompting them to specialize in a given area. The Post Anesthesia Care Unit (PACU) is one area of critical care specialization; and

Whereas, the Illinois Society of Post Anesthesia Nurses (ILSPAN) is committed to promoting the professional growth and maintaining and upgrading the standards of this critical care nursing specialty; and

Whereas, the American Society of Post Anesthesia Nurses has designated February 4-10, 1991, as the fifth annual Post Anesthesia Nurse Awareness Week to honor its members and all post anesthesia nurses, nationally and internationally;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 4-10, 1991, as POST ANESTHESIA NURSE AWARENESS WEEK in Illinois to highlight the unique role of post anesthesia care nurses in the health care profession.

Issued by the Governor January 10, 1991.
Filed with the Secretary of State January 14, 1991.

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89 Ill. Adm. Code 104 Practice in Administrative Hearings (P-15)
89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-870)
89 Ill. Adm. Code 102 Rights & Responsibilities (P-409)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 550 Head & Spinal Cord Injury (P-10656/90; A-1068)
77 Ill. Adm. Code 710 Ill. Alzheimer's Disease & Related Disorders Assistance Code (P-15246/90; W-675)
77 Ill. Adm. Code 540 Ill. Trauma Center Code (P-10665/90; A-1084)
77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-9833/90; A-466)
77 Ill. Adm. Code 330 Sheltered Care Facilities Code (P-9920/90; A-516)
77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-9957/90; A-554)
77 Ill. Adm. Code 510 Testing of Breath, Blood & Urine for Alcohol &/or Other Drugs (P-418) (E-612)

PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD, DEPARTMENT OF

77 Ill. Adm. Code 1130 Health Facilities Planning Procedural Rules (P-428)

RACING BOARD, ILLINOIS

11 Ill. Adm. Code 405 Pari-Mutuels (P-8957/90; A-591)
11 Ill. Adm. Code 1424 Regs. for Meetings (P-19690/90; W-1173)

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 562 Client Financial Participation (P-161)

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 440 Cigarette Tax Act (P-13429/90; A-117)
86 Ill. Adm. Code 450 Cigarette Use Tax Act (P-13429/90; A-122)
86 Ill. Adm. Code 3000 Riverboat Gambling (P-433)

STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1215 Ill. Uniform Conviction Information Act (P-12398/90; A-1107)

PUBLIC HEARINGS

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92 Ill. Adm. Code 1202 Applications
92 Ill. Adm. Code 1304 Motor Carrier of Property Fitness Standards

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PUBLIC INFORMATION

BANKS AND TRUSTS COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by Johnson International, Inc., Racine, Wisconsin, to Acquire Lake County Bank & Trust Company, Lake Forest, Ill.

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LOTTERY, ILLINOIS DEPARTMENT OF THE

List of Game-Specific Materials Published by the Lottery During Calendar Year 1990

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

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EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

90-558 Homemakers Extension Association Week
90-559 Nurse Recruitment Day
90-560 Army ROTC Week
90-561 Critical Care Nurse Week
90-562 Free Enterprise And Marketing Week
90-563 Illinois School Psychologists Association Week
90-564 Land Surveyors' Month
90-565 Billy D. Turner Congratulated
90-566 Travel Agent Appreciation Week
91-001 Jaycee Week
91-002 Larry Kinsella Recognized
91-003 Margaret E. Mailiard Day
91-004 Veterinary Medical Education Week
91-005 Charles A. Davis Recognized
91-006 Post Anesthesia Nurse Awareness Week

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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy Objections
#	= renumbered	M	= Modification
		O	= JCAR Objection
		P	= Proposed rule
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		RC	= JCAR Recommendation
		S	= Suspended rule
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VOL. 15, ISSUE #4
JANUARY 25, 1991

TITLE 8					
125.10	am	(PP-620)	540.190	n	(P-11022/90; A-973)
125.30	am	(PP-620)	TITLE 17		
125.40	am	(PP-620)	1590.50	am	(P-16174/90; A-32)
125.50	am	(PP-620)	1590.80	am	(P-16174/90; A-32)
125.60	am	(PP-620)	1590.90	am	(P-16174/90; A-32)
125.80	am	(PP-620)	2520.50	am	(P-725)
125.90	am	(PP-620)	TITLE 20		
125.100	am	(PP-620)	405.10	am	(P-1)
125.110	am	(PP-620)	405.15	am	(P-1)
125.120	am	(PP-620)	405.17	am	(P-1)
125.130	am	(PP-620)	405.20	am	(P-1)
125.140	am	(PP-620)	405.30	am	(P-1)
125.150	am	(PP-620)	405.40	am	(P-1)
125.160	am	(PP-620)	405.50	am	(P-1)
125.170	am	(PP-620)	405.55	am	(P-1)
125.180	am	(PP-620)	405.60	am	(P-1)
125.190	am	(PP-620)	405.70	am	(P-1)
125.200	am	(PP-620)	415.15	am	(P-15228/90; A-988)
125.210	am	(PP-620)	415.20	am	(P-15228/90; A-988)
125.220	am	(PP-620)	415.30	am	(P-15228/90; A-988)
125.230	am	(PP-620)	415.70	am	(P-15228/90; O-21107/90; R-1168; A-988)
125.240	am	(PP-620)	1215.10	n	(P-12398/90; A-1107)
125.250	am	(PP-620)	1215.20	n	(P-12398/90; A-1107)
125.260	am	(PP-620)	1215.30	n	(P-12398/90; A-1107)
125.270	am	(PP-620)	1215.40	n	(P-12398/90; A-1107)
125.280	am	(PP-620)	1215.50	n	(P-12398/90; A-999)
125.290	am	(PP-620)	1720.30	am	(P-16198/90; A-999)
125.300	am	(PP-620)	1720.40	am	(P-16198/90; A-999)
125.305	am	(PP-620)	TITLE 23		
125.310	am	(PP-620)	226.40	am	(P-11068/90; A-40)
125.320	am	(PP-620)	226.50	am	(P-11068/90; A-40)
125.330	am	(PP-620)	226.525	am	(P-11068/90; A-40)
125.340	am	(PP-620)	226.552	am	(P-11068/90; A-40)
125.350	am	(PP-620)	226.555	am	(P-11068/90; A-40)
125.360	am	(PP-620)	226.560	am	(P-11068/90; A-40)
125.370	am	(PP-620)	226.605	am	(P-11068/90; A-40)
125.380	am	(PP-620)	226.612	am	(P-11068/90; A-40)
125.390	am	(PP-620)	226.615	am	(P-11068/90; A-40)
125.400	am	(PP-620)	226.620	am	(P-11068/90; A-40)
125.410	am	(PP-620)	226.680	am	(P-11068/90; A-40)
255.50	am	(E-128)	226.684	am	(P-11068/90; A-40)
270.261	am	(P-10965/90; A-455)	226.720	am	(P-11068/90; A-40)
TITLE 11			250.70	am	(P-11447/90; A-463)
405.170	r	(P-8957/90; A-591)	TITLE 32		
1424.355	am	(P-19690/90; W-1173)	331.10	am	(P-15672/90; A-90)
TITLE 14			331.20	am	(P-15672/90; A-90)
510.10	am	(P-677)	331.30	am	(P-15672/90; A-90)
510.20	am	(P-677)	331.110	am	(P-15672/90; A-90)
510.40	am	(P-677)	331.120	am	(P-15672/90; A-90)
510.50	am	(P-677)	331.130	n	(P-15672/90; A-90)
510.60	am	(P-677)	331.200	am	(P-15672/90; A-90)
510.70	am	(P-677)	331.210	r	(P-15672/90; A-90)
510.80	am	(P-677)	331.310	am	(P-15672/90; A-90)
540.110	n	(P-11022/90; A-973)	331.310	n	(P-15672/90; A-90)
540.120	n	(P-11022/90; A-973)	331.310	n	(P-15672/90; A-90)
540.130	n	(P-11022/90; A-973)	331.310	n	(P-15672/90; A-90)
540.140	n	(P-11022/90; A-973)	331.310	n	(P-15672/90; A-90)
540.150	n	(P-11022/90; A-973)	331.310	n	(P-15672/90; A-90)
540.160	n	(P-11022/90; A-973)	331.310	n	(P-15672/90; A-90)
540.170	n	(P-11022/90; A-973)	TITLE 35		
540.180	n	(P-11022/90; A-973)	201.102	am	(P-780)

TITLE 56		TITLE 57		TITLE 58		TITLE 59		TITLE 60		TITLE 61		TITLE 62		TITLE 63		TITLE 64		TITLE 65		TITLE 66		TITLE 67		TITLE 68		TITLE 69		TITLE 70		TITLE 71		TITLE 72		TITLE 73		TITLE 74		TITLE 75		TITLE 76		TITLE 77		TITLE 78		TITLE 79		TITLE 80		TITLE 81		TITLE 82		TITLE 83		TITLE 84		TITLE 85		TITLE 86		TITLE 87		TITLE 88		TITLE 89		TITLE 90		TITLE 91		TITLE 92		TITLE 93		TITLE 94		TITLE 95		TITLE 96		TITLE 97		TITLE 98		TITLE 99		TITLE 100		TITLE 101		TITLE 102		TITLE 103		TITLE 104		TITLE 105		TITLE 106		TITLE 107		TITLE 108		TITLE 109		TITLE 110		TITLE 111		TITLE 112		TITLE 113		TITLE 114		TITLE 115		TITLE 116		TITLE 117		TITLE 118		TITLE 119		TITLE 120		TITLE 121		TITLE 122		TITLE 123		TITLE 124		TITLE 125		TITLE 126		TITLE 127		TITLE 128		TITLE 129		TITLE 130		TITLE 131		TITLE 132		TITLE 133		TITLE 134		TITLE 135		TITLE 136		TITLE 137		TITLE 138		TITLE 139		TITLE 140		TITLE 141		TITLE 142		TITLE 143		TITLE 144		TITLE 145		TITLE 146		TITLE 147		TITLE 148		TITLE 149		TITLE 150		TITLE 151		TITLE 152		TITLE 153		TITLE 154		TITLE 155		TITLE 156		TITLE 157		TITLE 158		TITLE 159		TITLE 160		TITLE 161		TITLE 162		TITLE 163		TITLE 164		TITLE 165		TITLE 166		TITLE 167		TITLE 168		TITLE 169		TITLE 170		TITLE 171		TITLE 172		TITLE 173		TITLE 174		TITLE 175		TITLE 176		TITLE 177		TITLE 178		TITLE 179		TITLE 180		TITLE 181		TITLE 182		TITLE 183		TITLE 184		TITLE 185		TITLE 186		TITLE 187		TITLE 188		TITLE 189		TITLE 190		TITLE 191		TITLE 192		TITLE 193		TITLE 194		TITLE 195		TITLE 196		TITLE 197		TITLE 198		TITLE 199		TITLE 200		TITLE 201		TITLE 202		TITLE 203		TITLE 204		TITLE 205		TITLE 206		TITLE 207		TITLE 208		TITLE 209		TITLE 210		TITLE 211		TITLE 212		TITLE 213		TITLE 214		TITLE 215		TITLE 216		TITLE 217		TITLE 218		TITLE 219		TITLE 220		TITLE 221		TITLE 222		TITLE 223		TITLE 224		TITLE 225		TITLE 226		TITLE 227		TITLE 228		TITLE 229		TITLE 230		TITLE 231		TITLE 232		TITLE 233		TITLE 234		TITLE 235		TITLE 236		TITLE 237		TITLE 238		TITLE 239		TITLE 240		TITLE 241		TITLE 242		TITLE 243		TITLE 244		TITLE 245		TITLE 246		TITLE 247		TITLE 248		TITLE 249		TITLE 250		TITLE 251		TITLE 252		TITLE 253		TITLE 254		TITLE 255		TITLE 256		TITLE 257		TITLE 258		TITLE 259		TITLE 260		TITLE 261		TITLE 262		TITLE 263		TITLE 264		TITLE 265		TITLE 266		TITLE 267		TITLE 268		TITLE 269		TITLE 270		TITLE 271		TITLE 272		TITLE 273		TITLE 274		TITLE 275		TITLE 276		TITLE 277		TITLE 278		TITLE 279		TITLE 280		TITLE 281		TITLE 282		TITLE 283		TITLE 284		TITLE 285		TITLE 286		TITLE 287		TITLE 288		TITLE 289		TITLE 290		TITLE 291		TITLE 292		TITLE 293		TITLE 294		TITLE 295		TITLE 296		TITLE 297		TITLE 298		TITLE 299		TITLE 300		TITLE 301		TITLE 302		TITLE 303		TITLE 304		TITLE 305		TITLE 306		TITLE 307		TITLE 308		TITLE 309		TITLE 310		TITLE 311		TITLE 312		TITLE 313		TITLE 314		TITLE 315		TITLE 316		TITLE 317		TITLE 318		TITLE 319		TITLE 320		TITLE 321		TITLE 322		TITLE 323		TITLE 324		TITLE 325		TITLE 326		TITLE 327		TITLE 328		TITLE 329		TITLE 330		TITLE 331		TITLE 332		TITLE 333		TITLE 334		TITLE 335		TITLE 336		TITLE 337		TITLE 338		TITLE 339		TITLE 340		TITLE 341		TITLE 342		TITLE 343		TITLE 344		TITLE 345		TITLE 346		TITLE 347		TITLE 348		TITLE 349		TITLE 350		TITLE 351		TITLE 352		TITLE 353		TITLE 354		TITLE 355		TITLE 356		TITLE 357		TITLE 358		TITLE 359		TITLE 360		TITLE 361		TITLE 362		TITLE 363		TITLE 364		TITLE 365		TITLE 366		TITLE 367		TITLE 368		TITLE 369		TITLE 370		TITLE 371		TITLE 372		TITLE 373		TITLE 374		TITLE 375		TITLE 376		TITLE 377		TITLE 378		TITLE 379		TITLE 380		TITLE 381		TITLE 382		TITLE 383		TITLE 384		TITLE 385		TITLE 386		TITLE 387		TITLE 388		TITLE 389		TITLE 390		TITLE 391		TITLE 392		TITLE 393		TITLE 394		TITLE 395		TITLE 396		TITLE 397		TITLE 398		TITLE 399		TITLE 400		TITLE 401		TITLE 402		TITLE 403		TITLE 404		TITLE 405		TITLE 406		TITLE 407		TITLE 408		TITLE 409		TITLE 410		TITLE 411		TITLE 412		TITLE 413		TITLE 414		TITLE 415		TITLE 416		TITLE 417		TITLE 418		TITLE 419		TITLE 420		TITLE 421		TITLE 422		TITLE 423		TITLE 424		TITLE 425		TITLE 426		TITLE 427		TITLE 428		TITLE 429		TITLE 430		TITLE 431		TITLE 432		TITLE 433		TITLE 434		TITLE 435		TITLE 436		TITLE 437		TITLE 438		TITLE 439		TITLE 440		TITLE 441		TITLE 442		TITLE 443		TITLE 444		TITLE 445		TITLE 446		TITLE 447		TITLE 448		TITLE 449		TITLE 450		TITLE 451		TITLE 452		TITLE 453		TITLE 454		TITLE 455		TITLE 456		TITLE 457		TITLE 458		TITLE 459		TITLE 460		TITLE 461		TITLE 462		TITLE 463		TITLE 464		TITLE 465		TITLE 466		TITLE 467		TITLE 468		TITLE 469		TITLE 470		TITLE 471		TITLE 472		TITLE 473		TITLE 474		TITLE 475		TITLE 476		TITLE 477		TITLE 478		TITLE 479		TITLE 480		TITLE 481		TITLE 482		TITLE 483		TITLE 484		TITLE 485		TITLE 486		TITLE 487		TITLE 488		TITLE 489		TITLE 490		TITLE 491		TITLE 492		TITLE 493		TITLE 494		TITLE 495		TITLE 496		TITLE 497		TITLE 498		TITLE 499		TITLE 500		TITLE 501		TITLE 502		TITLE 503		TITLE 504		TITLE 505		TITLE 506		TITLE 507		TITLE 508		TITLE 509		TITLE 510		TITLE 511		TITLE 512		TITLE 513		TITLE 514		TITLE 515		TITLE 516		TITLE 517		TITLE 518		TITLE 519		TITLE 520		TITLE 521		TITLE 522		TITLE 523		TITLE 524		TITLE 525		TITLE 526		TITLE 527		TITLE 528		TITLE 529		TITLE 530		TITLE 531		TITLE 532		TITLE 533		TITLE 534		TITLE 535		TITLE 536		TITLE 537		TITLE 538		TITLE 539		TITLE 540		TITLE 541		TITLE 542		TITLE 543		TITLE 544		TITLE 545		TITLE 546		TITLE 547		TITLE 548		TITLE 549		TITLE 550		TITLE 551		TITLE 552		TITLE 553		TITLE 554		TITLE 555		TITLE 556		TITLE 557		TITLE 558		TITLE 559		TITLE 560		TITLE 561		TITLE 562		TITLE 563		TITLE 564		TITLE 565		TITLE 566		TITLE 567		TITLE 568		TITLE 569		TITLE 570		TITLE 571		TITLE 572		TITLE 573		TITLE 574		TITLE 575		TITLE 576		TITLE 577		TITLE 578		TITLE 579		TITLE 580		TITLE 581		TITLE 582		TITLE 583		TITLE 584		TITLE 585		TITLE 586		TITLE 587		TITLE 588		TITLE 589		TITLE 590		TITLE 591		TITLE 592		TITLE 593		TITLE 594		TITLE 595		TITLE 596		TITLE 597		TITLE 598		TITLE 599		TITLE 600		TITLE 601		TITLE 602		TITLE 603		TITLE 604		TITLE 605		TITLE 606		TITLE 607		TITLE 608		TITLE 609		TITLE 610		TITLE 611		TITLE 612		TITLE 613		TITLE 614		TITLE 615		TITLE 616		TITLE 617		TITLE 618		TITLE 619		TITLE 620		TITLE 621		TITLE 622		TITLE 623		TITLE 624		TITLE 625		TITLE 626		TITLE 627		TITLE 628		TITLE 629		TITLE 630		TITLE 631		TITLE 632		TITLE 633		TITLE 634		TITLE 635		TITLE 636		TITLE 637		TITLE 638		TITLE 639		TITLE 640		TITLE 641		TITLE 642		TITLE 643		TITLE 644		TITLE 645		TITLE 646		TITLE 647		TITLE 648		TITLE 649		TITLE 650		TITLE 651		TITLE 652		TITLE 653		TITLE 654		TITLE 655		TITLE 656		TITLE 657		TITLE 658		TITLE 659		TITLE 660		TITLE 661		TITLE 662		TITLE 663		TITLE 664		TITLE 665		TITLE 666		TITLE 667		TITLE 668		TITLE 669		TITLE 670		TITLE 671		TITLE 672		TITLE 673		TITLE 674		TITLE 675		TITLE 676		TITLE 677		TITLE 678		TITLE 679		TITLE 680		TITLE 681		TITLE 682		TITLE 683		TITLE 684		TITLE 685		TITLE 686		TITLE 687		TITLE 688		TITLE 689		TITLE 690		TITLE 691		TITLE 692		TITLE 693		TITLE 694		TITLE 695		TITLE 696		TITLE 697		TITLE 698		TITLE 699		TITLE 700		TITLE 701		TITLE 702		TITLE 703		TITLE 704		TITLE 705		TITLE 706		TITLE 707		TITLE 708		TITLE 709		TITLE 710		TITLE 711		TITLE 712		TITLE 713		TITLE 714		TITLE 715		TITLE 716		TITLE 717		TITLE 718		TITLE 719		TITLE 720		TITLE 721		TITLE 722		TITLE 723		TITLE 724		TITLE 725		TITLE 726		TITLE 727		TITLE 728		TITLE 729		TITLE 730		TITLE 731		TITLE 732		TITLE 733		TITLE 734		TITLE 735		TITLE 736		TITLE 737		TITLE 738		TITLE 739		TITLE 740		TITLE 741		TITLE 742		TITLE 743		TITLE 744		TITLE 745		TITLE 746		TITLE 747		TITLE 748		TITLE 749		TITLE 750		TITLE 751		TITLE 752		TITLE 753		TITLE 754		TITLE 755		TITLE 756		TITLE 757		TITLE 758		TITLE 759		TITLE 760		TITLE 761		TITLE 762		TITLE 763		TITLE 764		TITLE 765		TITLE 766		TITLE 767		TITLE 768		TITLE 769		TITLE 770		TITLE 771		TITLE 772		TITLE 773		TITLE 774		TITLE 775		TITLE 776		TITLE 777		TITLE 778		TITLE 779		TITLE 780		TITLE 781		TITLE 782		TITLE 783		TITLE 784		TITLE 785		TITLE 786		TITLE 787		TITLE 788		TITLE 789		TITLE 790		TITLE 791		TITLE 792		TITLE 793		TITLE 794		TITLE 795		TITLE 796		TITLE 797		TITLE 798		TITLE 799		TITLE 800		TITLE 801		TITLE 802		TITLE 803		TITLE 804		TITLE 805		TITLE 806		TITLE 807		TITLE 808		TITLE 809		TITLE 810		TITLE 811		TITLE 812		TITLE 813		TITLE 814		TITLE 815		TITLE 816		TITLE 817		TITLE 818		TITLE 819		TITLE 820		TITLE 821		TITLE 822		TITLE 823		TITLE 824		TITLE 825		TITLE 826		TITLE 827		TITLE 828		TITLE 829		TITLE 830		TITLE 831		TITLE 832		TITLE 833		TITLE 834		TITLE 835		TITLE 836		TITLE 837		TITLE 838		TITLE 839		TITLE 840		TITLE 841		TITLE 842		TITLE 843		TITLE 844		TITLE 845		TITLE 846		TITLE 847		TITLE 848		TITLE 849		TITLE 850		TITLE 851		TITLE 852		TITLE 853		TITLE 854		TITLE 855		TITLE 856		TITLE 857		TITLE 858		TITLE 859		TITLE 860		TITLE 861		TITLE 862		TITLE 863		TITLE 864		TITLE 865		TITLE 866		TITLE 867		TITLE 868		TITLE 869		TITLE 870		TITLE 871		TITLE 872		TITLE 873		TITLE 874		TITLE 875		TITLE 876		TITLE 877		TITLE 878		TITLE 879		TITLE 880		TITLE 881		TITLE 882		TITLE 883		TITLE 884		TITLE 885		TITLE 886		TITLE 887		TITLE 888		TITLE 889		TITLE 890		TITLE 891		TITLE 892		TITLE 893		TITLE 894		TITLE 895		TITLE 896		TITLE 897		TITLE 898		TITLE 899		TITLE 900		TITLE 901		TITLE 902		TITLE 903		TITLE 904		TITLE 905		TITLE 906		TITLE 907		TITLE 908		TITLE 909		TITLE 910		TITLE 911		TITLE 912		TITLE 913		TITLE 914		TITLE 915		TITLE 916		TITLE 917		TITLE 918		TITLE 919		TITLE 920		TITLE 921		TITLE 922		TITLE 923		TITLE 924		TITLE 925		TITLE 926		TITLE 927		TITLE 928		TITLE 929		TITLE 930		TITLE 931		TITLE 932		TITLE 933		TITLE 934		TITLE 935		TITLE 936		TITLE 937		TITLE 938		TITLE 939		TITLE 940		TITLE 941		TITLE 942		TITLE 943		TITLE 944		TITLE 945		TITLE 946		TITLE 947		TITLE 948		TITLE 949		TITLE 950		TITLE 951		TITLE 952		TITLE 953		TITLE 954		TITLE 955		TITLE 956		TITLE 957		TITLE 958		TITLE 959		TITLE 960		TITLE 961		TITLE 962		TITLE 963		TITLE 964		TITLE 965		TITLE 966		TITLE 967		TITLE 968		TITLE 969		TITLE 970		TITLE 971		TITLE 972		TITLE 973		TITLE 974		TITLE 975		TITLE 976		TITLE 977		TITLE 978		TITLE 979		TITLE 980		TITLE 981		TITLE 982		TITLE 983		TITLE 984		TITLE 985		TITLE 986		TITLE 987		TITLE 988		TITLE 989		TITLE 990		TITLE 991		TITLE 992		TITLE 993		TITLE 994		TITLE 995		TITLE 996		TITLE 997		TITLE 998		TITLE 999		TITLE 1000		TITLE 1001		TITLE 1002		TITLE 1003		TITLE 1004		TITLE 1005		TITLE 1006		TITLE 1007		TITLE 1008		TITLE 1009		TITLE 1010</	
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